HISTORY OF
THE FREEDOM MOVEMENT
IN ORISSA

VOL. IV

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DEDICATION

Dedicated respectfully to the immortal memory of martyr Surenda Sai, of the famous Chauhan dynasty of Orissa, who escaped from the Hazaribagh Jail in 1857, the year of destiny, and started the war of Indian Independence which violently shook the foundation of British rule, till the year 1864. Long after the fire of the so-called Indian mutiny was extinguished in the rest of India he refused to accept clemency, suffered life-long imprisonment and breathed his last in the impregnable historic fort of Asirgarh in Madhya Pradesh.

Tradition asserts that his last will was that after death, he wished his body to be carried to Sambalpur, to be burnt by the bank of the Mahanadi, in the midst of the Oriya people whom he loved so well.

But his mortal remains were consumed to flames inside the Asirgarh fort.

G. S. DAS

Ravenshaw College, Cuttack

ACKNOWLEDGMENT

Our grateful thanks are due to the Government of Orissa for their kind patronage, the late Pandit Ravishankar Sukla, Chief Minister of Madhya Pradesh, for giving permission to Dr. Professor R. M. Sinha for supplying us with copies of the unpublished records relating to Surendra Sai, from the Nagpur Secretariat, to all the research scholars who worked under me, and to the staff of the Orissa Mission Press for printing this volume within a month.

Although full references to original sources were prepared, I regret they were not printed in deference to the request of the Heads of Departments, who pleaded that Orissa manuscript records since 1920 had not yet been thrown open to the public. I may however, add, that scrupulous care has been taken to ascertain facts from all Orissa records including secret and confidential.

I crave the indulgence of the readers for a few printing errors, and the responsibility for all short-comings, is mine.

G. S. DAS.

CHAPTER I

PROBLEMS OF ORISSA

Introduction

It has been rightly observed that " to trace the history of a national movement in terms of a single province or State would appear to be as impossible a venture as to separate the waters of a river from the ocean it feeds." The irresistible mass movement which gathered power as it advanced and brought about our liberation, was the expression of the united will of the people of our country, without distinction of provinces and classes. "Therefore the narrative would draw within its scope the all-India movements and currents of thought which swelled the volume of our struggle."

According to Dhebar "Political freedom is merely an outward expression of dynamism in a nation determined to work out its social and political philosophies. Political freedom cannot be the end. It is an inevitable intermediate stage which has to be crossed in order to reach the social objectives of the nation."

"History of the Freedom Movement is not a record of events or recounting of episodes that form part thereof. History of Freedom movement is not merely a narrative. It aims at explaining the currents and cross-currents that weave the web of society in ferment. A political struggle is an external expression of an inner dynamic urge in the hearts and minds of the people to be free. The warp and the woof that go to compose the structure of the history are the social and the economic forces that cry out for release, which the powers interested in maintaining conditions of serfdom try to withhold. It reflects like a mirror through the actions of men and women associated in that conflict. But these activities are but the reflections of something that is working within the minds of men—some forces that strive to push forth and others that try the curb."

The history of the Freedom Movement in Orissa "is the expression of forces that constitute an integral part of the all-India struggle." In the last act of the drama of political independence the National Congress is the stage and Mahatma Gandhi the principal actor. The Provincial actors look up to Mahatmaji for light and guidance.

The period from 1930 to 1947 is too recent to merit a scientific treatment. The principal actors of the drama are still living in our midst and therefore the narration should merely be a factual representation of some important currents of history and the ideas and actions of the principal actors.

There were mainly two parties in the struggle for freedom, the "haves" and the "havenots", the oppressors and the oppressed, the reactionaries and the revolutionaries.

"The development of the Indian National Movement since the great mass struggles of 1930-34 up to the second World War fall into three clearly marked stages. First there was the rebuilding of organisation after the heavy blows of repression and the hammering out of new lines of policy followed by the advance through the election victory of 1937, which was utilised by the right-wing leadership to establish Congress Provincial ministries in the majority of the provinces of British India. This was the achievement of the years 1934-37. Then followed growing crisis, sharp differentiation of right and left, consequent on disillusionment with the experience of the Congress Provincial Ministries and the advance to new struggles, already visible in preliminary forms in the years 1938-39. This was accelerated and complicated by the condition of the war and the profound crisis which the war brought for India and for the Indian National Movement and culminated in the great revolutionary upsurge after the Second World War. The course of the Second World War brought India into the full stream of international politics. But we are anticipating events. In the meantime let us trace very briefly the course of the movement which culminated in the year 1936 in the creation of a separate province of Orissa.

Creation of Orissa Province

Throughout the course of history beginning from the pre-Christian era down to the British conquest of Orissa in 1803, Orissa had a glorious separate political existence. The British conquest of Orissa was responsible for the vivisection of a living race. Till March 31st, 1936, the Oriya people were living under the control of twenty-six Oriya rulers, and three Provincial Governments i.e. the Central Provinces, Madras Presidency and the Province of Bihar and Orissa.

Towards the close of the 19th century the people of the district of Sambalpur, then a part of the Central Provinces, agitated for amalgamation with Orissa. In 1903 the late Madhusudan Das and a few other prominent Oriya leaders including Oriya Princes formed an association called the Utkal Sammilani or (Utkal Union Conference) with the object of uniting all the Oriya speaking tracts lying under different Provincial Governments into a single administrative unit. Every year the Oriyas held meetings of the "Utkal Indian Conference" in different parts of natural Orissa and passed resolutions for the creation of a separate Province of Orissa. In the Chakradharpur Session of the *"Utkal Sammilani"* held in the year 1920 in the district of Singhbhum the Oriya leaders were divided into two groups. Pandit Gopabandhu Das wanted to transform the "Utkal Sammilani" into a branch of the Indian National Congress. Another section headed by the late Madhusudan Das wanted to maintain the separate existence of the Sammilani. The sole aim of the latter was the unification of the Oriya speaking tracts and the creation of a separate Orissa Province.

The Simon Commision recommended in favour of a separate province for the Oriyas and subsequently a Committee was appointed by the Government of India to demarcate the boundary of the new Province. Sri Krishna Chandra Gajapati Dev, Maharaja of Parlakhemidi, raised the question of the creation of a separate Province of Orissa in the Round Table Conference. Sri Ramchandra Dev, Sri Bhubanananda Das and Sri Lingaraj Panigrahi etc. who were then present in London, impressed on Sir Samuel Hoare, the then Secretary of State, that the new Province should include all the outlying Oriya speaking tracts e. g. Singhbhum, Midnapur, Phuljhar and Bindra-Nayagarh and the Jeypore Agency etc. When the Government of India proposed to create a mutilated Province of Orissa, the District Magistrates of Orissa, reported to Government that the people of Orissa were very much disappointed with the exclusion of genuine Oriya speaking tracts from the proposed Province of Orissa. The Orissa Province came into existence on the 1st. April, 1936. The boundary of the new Province did not satisfy the legitimate and natural aspirations of the Oriya people and meetings were held throughout the length and breadth of Orissa, protesting against the exclusion of some important Oriya speaking tracts particularly the district of Singhbhum, the "Saar region" from the new province.

Provincial Autonomy

In accordance with the Provisions of the Government of India Act, 1935, the first general election was held in 1936. The Utkal Provincial Congress put up 37 candidates for the Provincial Legislature of 60 members out of which four members were to be nominated. The result of the election was a staggering blow to the party of the landlords. The Orissa Congress secured 36 seats and lost only one. The Orissa Congress was congratulated by the High Command for its unprecedented success. The credit for the Congress success was due in a large measure to the tireless efforts of Pandit Nilakantha Das. As the Congress Assembly party was not willing to shoulder the responsibility of Government, an interim Ministry was formed under the Chief Ministership of the Maharaja of Parlakhemidi. Shri Mandhata Gorachand Patnaik and Moulana Latifur Rahman were the two other ministers.

The interim ministry was in a minority and therefore the Assembly was not called into existence. In five Provinces, the Congress had won a clear majority. "The Congress had decided that unless the Governors of the Provinces gave an assurance that they would act according to the advice of the Ministers on all constitutional matters and would not use their discretionary powers, the Congress should not accept office". An extraordinary situation was created throughout the country by the refusal of the Provincial Congress parties to form Governments. At last on June 21st, 1937, the Viceroy made a statement which bridged the gulf between the Congress and the Government. He said " The Governor would at all times, be concerned to carry his Ministers with him. When a Governor rejects any advice of the Ministers they were at liberty to state publicly that it was contrary to their advice. Ordinarily such differences as might arise between the Ministers and the Governor should be capable of resolution by mutual good-will. The Governors were anxious not to provoke conflict with Ministers and were bound to exercise their authority on the advice of their Ministers. The provision in the Act meant for extreme contingencies did not involve any assumption of a right to see these contingencies turn into realities. In this manner the Viceroy gave his interpretation of this controversial part of the Constitution".

The Working Committee of the Congress met at Wardha on 7th July, 1937, and resolved that "Congressmen be permitted

to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Election Manifesto and to further in every possible way the Congress policy of combating the New Act on the one hand and of prosecuting the constructive programme on the other".

Thus the matter was settled. In Orissa the Parlakhemidi Ministry resigned and the first Congress Ministry was formed consisting of Biswanath Das, as Chief Minister, Nityananda Kanungo and Bodhram Dube as his colleagues. There were four parliamentary secretaries.

1. Jadumoni Mangaraj.
2. Jagannath Misra.
3. Pyarisankar Roy.
4. Radhakrushna Biswas Ray.

Mukunda Prasad Das and Nanda Kishore Das were elected as Speaker and Deputy Speaker respectively.

One of the first acts of the Congress Government was to order the release of political prisoners. The bureaucracy of Orissa had carefully prepared a plan of "divide and rule". Disregarding popular opinion it threw an apple of discord in the shape of the location of the capital, which seemed for a time to disrupt the Congress organisation. After a good deal of discussion in the Assembly, the claims of Rongeilunda and Puri were rejected and Cuttack-Choudwar was selected as the future capital. The ministry shirked the responsibility of implementing the decision and lost for ever a golden chance of building a grand capital at pre-war rates opposite Cuttack. The Ministry introduced bills for amending the Orissa Tenancy Act, the Madras Estates Land Act, Money Lenders Act, Hindu Religious Endowment Bill etc. which brought out sharply the conflict between the landlords and their tenants. The introduction of partial prohibition of opium in Balasore district was a measure in the right direction.

Internal developments—Amendment of the Orissa Tenancy Act & reaction of the different circles

During September, 1937, the proposed amendment of the Orissa Tenancy Act in the Orissa Legislature gave rise to various reactions in the different circles of the Province. The

general public as well as the peasants demanded the early execution of the said amendment, whereas the landholders expressed their strong disapproval of the proposed changes in the Tenancy Act which undoubtedly affected their vested interests. In a meeting held at Cuttack under the auspices of the Orissa Landholders' Association on the 22nd September, 1937 about 300 Zamindars hailing from different parts of Orissa assembled to voice their resentment over the introduction of the amendment.

Peasants' reaction against the landholders' move

As a reaction to the landholders' conferences held in January 1938, the peasants strengthened their pace against the Zamindars and reunified their movement in order to spread their cause on a wider scale. An Oriya weekly newspaper entitled 'Krushak' which was the organ of the Socialist Movement was printed and published by Sri Surendra Nath Dwivedy and its first issue appeared on 13th January, 1938. The object of the Socialist journal was to promote the cause of the Kisans in Orissa and also to restore cordial relations between the Kisan Association and the Congress in Orissa.

No tax campaign of peasants

In February, 1938, a no-tax campaign was started in Estates like Khalikote, Athgada and Biridi. Members of some Congress Committees toured in the villages preaching the necessity of the step of refusing to pay tax. The peasants of the areas got emboldened and cut the wood from jungles without obtaining any license. A number of Kisan and Congress workers, too, carried on systematic tours in the districts of Puri, Cuttack, Balasore and Sambalpur, holding meetings in the interior and moving the Kisans to assert their rights.

Reaction against the evils in the Estates

The Kisan leaders urged upon the ministry to penalise all illegal exactions such as forced labour and forced presents and to pass the Hindu Religious Endowment Bill as well as the Rural Debt Bill on the lines adopted by the Madras and Bihar Ministries.

Formation of Branch of Moslem League

The leading Muhammedans of Cuttack made a move to organise their co-religionists in Orissa with a view to supporting

the Moslem League. A branch of the Moslem League was started in Cuttack in February, 1938, with the object of ventilating the grievances of the Moslems and fighting for the achievement of the rights of their community.

Gandhi Seva Sangha at Delang: Gandhiji's exhortation of the masses

During the fourth week of March, 1938, the Congress leaders concentrated their activities in Delang in Puri district where the 4th Annual session of the Gandhi Seva Sangha was held from 25th to 31st March, 1938. Among the prominent All-India leaders who attended the session, Mahatma Gandhi, Sardar Vallabhai Patel, Babu Rajendra Prasad, Babu Prafulla Chandra Ghose, Acharya J. B. Kripalini, Moulana Abul Kalam Azad and Dr. Pattabhi Sitaramaya. On 25th March, 1938, Sardar Vallabhai Patel hoisted the flag and addressed a gathering of 5000 people on the significance of the flag. Mahatma Gandhi delivered a short speech expressing his love for Orissa and his concern for the distress of Orissa which was the poorest country in India. He said that he had sent Mr. Thakkar to Orissa to start Harijan and village industry work. His Harijan movement had received serious opposition in the hands of the Sanatánists of the country. He had arranged a march on foot from Puri to Balasore making Harijan propaganda throughout the way. As the door of the temple of Jagannath had been closed for the Harijans, it had also been closed for him. He had stopped going into the temple of Jagannath since then.

Move for Hindu-Muslim unity

He appealed to the students and youths of Orissa to study one of the industries of the Exhibition and to prepare such articles at home and thus earn their livelihood. On the 3rd day of the Conference, i.e., 27th March, 1938, the Hindu-Muslim problem was emphasised by Gandhiji, who urged for cordial relations among the two communities. On the 4th day, i.e., 28th March, Sardar Vallabhai Patel elucidated the basic principle of the Sangha and explained that the object of the Sangha was to raise the status of the masses by the removal of caste system.

Move for Harijan uplift and solution of Congress conflicts in Orissa

On the 5th Day of the Conference, i.e., 29th March, 1938, the questions of Harijan uplift and *Rastra Bhasa* were taken

up. It was agreed that an appeal should be made to the *Mahants* not to debar the people including the Harijans worshipping the deity that they worshipped. The question of dissensions amongst the Assembly members in Orissa was taken up in a private and confidential meeting on the day with Sardar Vallabhai Patel in the chair. The allegations contained 28 points against the Orissa Ministers signed by 9 dissentients could not be substantiated by the late Pd. Godavaris Misra's group. All the allegations proved to be baseless. Sardar Patel exhorted the Assembly members to develop feeling of love and unity amongst each other and to discard all feelings of dissension in the interest of the common fight against the British Government. An honourable settlement was made in the meeting with regard to the disputes between the rival Congress groups in Orissa. The suggestion that Sri Gopabandhu Choudhury should assume the Presidentship of the Utkal Provincial Congress Committee, to prevent the difficulties due to rivalries between the respective groups of Pd. Nilakantha Das and Sri Harekrishna Mahatab inside the Utkal Congress was accepted by all the members of the U.P.C.C. present on the occasion.

Representation of the grievances of Muslims

On the 6th day of the Conference, i.e., 30th March, 1938 all matters calling for disciplinary action against the Congress workers in Orissa were left in the hands of Sri Gopabandhu Choudhury for disposal according to his discretion. He was allowed to exercise his choice in the matter of formation of his own Cabinet of the P. C. C. On the day some Muslims of Orissa headed by Fazlur Rahman raised a complaint before Maulana Azad that the Orissa Cabinet was without any Muslim which was seriously resented by them. The Maulana Saheb consoled them by explaining that they could not be offered any such chance as none of them belonged to the Congress organisation. He advised them to join the Congress in order to bring solidarity amongst themselves and to enable them to bring pressure on the Government for the redress of their grievances.

Friction of Orissa Congress Circles

Though the friction of the Orissa Congress circles apparently came to an end with the election of Sri Gopabandhu Choudhury as President of the Utkal Provincial Congress Committee, the nine dissenting members led by Pd. Godavaris Misra could not be appeased and were on the look-out for an

opportunity to effect a change in the Orissa Ministry. Sri Gopabandhu Choudhury expressed that he would endeavour to oust the Kisan and socialist elements from the Provincial Congress Committee and would adopt a constructive programme on the basis of the Orthodox Congress ideology.

Agrarian activities & authorities' reaction

The agrarian situation in the district of Cuttack during March 1938, gave rise to serious anxiety on the part of the authorities. There were two "*Sabhas*" in Tirtol P. S. of the district of Cuttack both being off-shoots of the '*Kisan Sabha*'. One was known as the '81 village Sabha' which was largely concerned in village welfare work. The other was known as "29 village Sabha" which was considered as aggressive in its outlook and character. Fourteen different complaints were lodged against this '*Sabha*', one of which was a case of riot and assault. A deputation of a small force was sent to assist the Police of the Tirtol P. S. for the maintenance of peace. The authorities contemplated taking action against the lawless elements of the 'Sabha'. Srimati Malati Devi visited Kujang, the centre of the activities of '29 village Sabha' where the people apprised her of the real situation and complained against the high-handed treatment meted out to them by the Police.

Reaction against Mr. Dain's appointment.

The National week was observed in different centres of the Province from 6th to 13th April 1938. During the observance of the week severe criticism was levelled against the appointment of Mr. Dain I. C. S. Revenue Commissioner as Governor designate. The Congress party was evidently much dissatisfied at the proposed appointment of Mr. Dain and expressed its resentment through the platform and the press.

In April 1938 the Kisan agitation grew vehement in many places of the Province and assumed such proportions that the authorities contemplated on taking action under preventive sections of the Cr. P. C. There was considerable tension between the ryots and the landlords. The Kisans agitated for non-payments of unauthorised cesses to zamindars, removal of forced labour and unity among all villagers. The activities of the Congress Party were carried on with an enterprising spirit in certain districts of the Province such as Koraput, where there was considerable recruitment of Congress volunteers among the aboriginal classes. One of the peculiar features of

the period's activities was that workers of different parties carried the same mission and preached the same gospel among the villagers. "Features of happenings during recent weeks in Cuttack and Puri districts are the large number of Congress Party, Kisan Sabha and Socialist Party meetings in villages in the interior and the growing similarity in the propaganda now disseminated by these different organisations who might otherwise appear to be antagonistically disposed towards each other".

U.P.C.C. and President.

At a meeting of the Utkal Provincial Congress Committee held at Cuttack on the 17th April 1938 Sri Harekrishna Mahatab resigned from the presidentship and Sri Gopanbandhu Choudhury was elected in his place according to the arrangements held previously in the Conference at Delang during the last week of March 1938. A resolution was also passed in the meeting advocating the boycott of Zanzibar cloves.

Move to dissolve the Assembly.

On the 2nd May 1938 the Working Committee of the Utkal Provincial Congress Committee met under the presidentship of Sri Gopabandhu Choudhury. The political situation in the country came in for discussion in the meeting with special reference to the crisis caused by the appointment of Mr. Danin as the acting Governor of Orissa. The members of the Working Committee resolved that immediate steps should be taken to dissolve the Assembly and arrangements should be made for a fresh election.

Peasants' agitation by different political parties.

The Peasants' agitation was carried on with vigour and earnestness by different political leaders of Orissa during April and May 1938 with an emphasis on the revolutionary development of the movement in the near future, The official weekly report dated the 8th May, 1938 states :—

"There is no doubt that several prominent leaders of outwardly divergent political persuasions are pooling their energies with a view to create disaffection amongst the peasantry. During the week under report, in Puri district alone there have been no less than 18 political meetings. Babu Harekrishna Mahatab, now a member of the All-India Congress Working Committee has been on a prolonged tour of propaganda in the interiors of the district (he himself addressing 9 meetings)

accompanied by prominent adherents to the socialist creed. This propaganda is of a type which is calculated to appeal to the peasantry of those parts, through its condemnation of salt laws, no less than by its criticism of Government's alleged inadequate action to provide against future floods, a matter which must always be uppermost in the minds of the peasantry living in those areas. Undisguised reference to a future mass no-tax campaign in conjunction with a possible general strike on railways and in key industries with a view to crippling the administration and ultimately to drive the British out of India, clearly show the persistent preachings of communist leaders elsewhere, is now resulting in similar rhetoric in Orissa. Every effort, it seems, is to be made to intensify this propaganda during the present non-agricultural season when the peasantry are, for the most part, not actively occupied."

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CHAPTER II

CHAPTER II

ORISSA STATE-PEOPLES' AWAKENING

In the last phase of the freedom struggle in Orissa, the two pillars that supported the British Imperialism, namely, the Zamindars and the Princes were violently shaken. "The legacy of imperialist rule in India left many problems and obstacles in the path of the struggle for freedom. Imperialist policy deliberately fostered every reactionary social force to provide a buttress for its rule and provided every division and antagonism among the people in order to disrupt the forces of national revolution." There were twenty Orissan states of varying sizes, population and income. It was long ago said by Sir John Malcolm that "if we made all Indian into Zillals (or British districts) it was not in the nature of things that our empire should last fifty years but then, if we could keep a number of native states without political power but as royal instruments, we should exist in India as long as our naval supremacy was maintained."

The preservation of the Indian States from the dissolution which would have been sooner or later their fate, was thus an instrument of modern British policy. It is doubtful whether there has been any regime in history to parallel that of the Indian puppet princes under British protection. The Orissan princes had no fear of external aggression or internal risings so long as they were loyal to the British Crown. The role of the princes was the corner stone of the federation constitution projected by the Act of 1935.

The advance of the national democratic movement began more and more powerfully to sweep past the rotten barriers of the puppet princes. *Prajamandals* were formed in different states which organised popular movements and rapidly grew in strength. Active struggles for elementary civil rights developed in many states of Orissa.

About June 1938 a movement was launched by the people of the States such as Nilgiri, Nayagarh and Ranpur for the achievement of their legitimate rights and the prevention of the oppressions dealt out by the ruling chiefs. The movement attracted the attention of the Socialist leaders of Orissa who sympathised with the cause of the States' People and appreciated

their attempt to attain political consciousness. A party of volunteers for propaganda in the State of Nilgiri was organised by Sri Sarangadhar Das. The Congress and Socialist leaders realised that the proposed Federation had strengthened the position of the Rajas who were thus emboldened to persist in their repressive policies. They, however, strongly condemned the inhuman practices prevalent in the states and started a campaign to expose the conditions that were the direct cause of the sufferings of the States' people.

Balawant Rai Mehta, Secretary of All India States People's Conference came to Cuttack on 19th June 1938 and joined the States Peoples' Enquiry Committee along with H. K. Mahatab, the late Lal Mohan Patnaik and Sarangadhar Das. In a sitting of the Committee on 22nd June, 1938 the following allegations were brought forward as a result of the enquiries held in the Nilgiri State.

1. Forced labour was extracted by the State Officials.
2. Labour was employed without wages.
3. Heavy taxes were imposed on the forest produce.
4. *Salamies* were taken from the people during marriage ceremony of the prince's family.

Balwant Rai Mehta addressed an audience at Cuttack on 5th July 1938 dwelling on the miserable conditions of the people of Feudatory States and stressing the need for systematic organisation for the amelioration of their lot.

As a result of the agitation in the Nilgiri State 116 persons were arrested for violating the State regulations during the first half of July 1938. The Diwan of Nilgiri interviewed the Diwan of Mayurbhanj for advice in the matter, whereupon he was instructed by the latter to effect an early settlement with the subjects. Negotiations for an amicable settlement were started between the Political Agent and the ruler on one side and the President and Secretary of Nilgiri Prajamandal on the other. No agreeable settlement, however, could be arrived at by the negotiations and the situation in the state gradually tended to be worse from day to day. The arrest of Sri Banamali Das, Secretary of the Nilgiri Prajamandal by the State Police, led to renewed activity on the part of the Prajamandal to which the state authorities reacted by employing forcible measures on the agitators. On 10th August 1938 the State Police resorted to firing on a procession of agitators as a result of which a

number of persons were severely injured. There was another case of lathi charge and firing by the State Police on 11th August 1938, leading to deadly injury sustained by a number of agitators. Discussions as to the causes of unrest ensued between the Political Agent, H. K. Mahatab and the Ruling Chief of the State. The discussions ended in the proposal for setting up an Enquiry Committee with the Chief as its President which was, however, objected by Mahatab. The attempt at settlement proved to be a failure as the Chief refused to subscribe to some of the demands of the Prajamandal.

Agitation in Talcher and Dhenkanal States

In September 1938 the agitation of the State's people spread to Talcher and Dhenkanal. As a result of this, many arrests were made by the State authorities. A number of state subjects expelled by the Rulers lived in the British district of Angul and carried on their agitation from there. The ruling Chief of Nilgiri at last yielded before the agitators of the State and conceded all the demands of the Nilgiri Prajamandal except those that referred to the formation of the State Assembly and the control of the State budget

Situation in Dhenkanal State

The agitators of the Dhenkanal State were arrested by the State authorities on 11th September, 1938, which was followed by large crowds carrying weapons with them and coming from outlying parts. Fire was opened to disperse the crowds as a result of which several were seriously wounded. A number of leaders including H. K. Mahatab, Malati Devi and Sarangadhar Das, interviewed the ruler with the object of bringing about a settlement. The Political Agent joined in the discussions. The situation in the State was so tense that it grew out of control of the authorities.

Agitation in Talcher Prajamandal

The Talcher Prajamandal carried on the agitation with unabated vigour and drew up a list of demands which included the right to form associations, hold meetings, abolition of forced gifts and forced labour, modification of the tenancy and forest laws and better conditions in the collieries.

Repression in Talcher State and Peoples' reaction to it

10,000 persons of Talcher and Pallahara States assembled at Kosala and Kampsala in Angul near the border of the

Talcher State on the 16th September 1938, where they resolved to carry on an unstinted fight for the fulfilment of their popular demands. Due to increase in the vehemence of oppression in the hands of the Talcher chief, the Talcher subjects repaired in large numbers to Angul where they settled in refugee camps. The Talcher State authorities opened fire on 21st and 22nd September 1938 at village Chandrabil leading to the death of one and serious injury of a number of persons. The Talcher Prajamandal was declared illegal by the State.

Repressions in Dhenkanal State and Peoples' reaction

The repressions in Dhenkanal State grew vehement and extra police were drafted in from the neighbouring States. A detachment of a regiment arrived at Dhenkanal on the 20th September, 1938. It was followed by many arrests by the Dhenkanal Police. Due to the oppressions of the Police, many people, including the members of the Prajamandal, escaped to Cuttack. After a period of comparative lull the British troops were withdrawn. Agitation was again started with renewed vigour in the State under the inspiration of the Cuttack Socialist and youth League leaders. A compromise was attempted between the Prajamandal and the Chief without success.

Firing was again resorted to by the Police in connection with certain arrests, resulting in the death of a number of persons. Such inhuman treatment of the State authorities as meted out to the agitators was strongly resented by the Orissa Public.

Spread of agitations to different States

The peoples' agitation gradually spread to other states like Athgarh, Ranpur etc. The agitators started a no-rent campaign and wanted to fight against the illegal exactions imposed by the chiefs. They met the opposition from the authorities with grit and stubbornness. Fire was opened on the agitators by the State Police whenever the agitation grew in vehemence. Still the people of the states marched undaunted in their progressive struggle for the assertion of their rights and liberties.

British Imperialism & States' agitation

The All Orissa *Garjat* Day was observed in different places on 29th October, 1938, and Hartal was observed on the occasion. Leaders like Nabakrishna Choudhury assured the

people that the Congress fully supported the cause of the States' people. The British Imperialism was blamed by the leaders as being mainly responsible for the grievances of the people of the States through its direct support of the chiefs. Thus the official report dated the 4th November 1938 states regarding the agitation carried on in the States.

"A noticeable feature of most, if not all these meetings, is the fact that the British Government is described as at the root of the trouble. The economic condition of the states' tenants appears to be forgotten and the whole agitation is apparently considered as part of the general struggle against British Imperialism".

Clash between the Peoples & State Police of Dhenkanal

The agitation in the State of Dhenkanal grew in vehemence in November, 1938. Firing was again resorted to by the State Police in Dhenkanal on the 2nd November, 1938. The people were armed with bows and arrows, axes and lathis on the occasion and attacked the Police with stones and arrows. As a result of this clash and the consequent firing that took place, several Police Officers as well as members of the assembled crowd sustained severe injuries. Another incident of firing occurred on the 11th November, 1938 resulting in the death of a number of persons. The Police fired on the crowd as it became riotous and offered resistance with stubbornness.

Satyagraha in Dhenkanal & Politicians' Attitude towards it

During the 1st week of December 1938 Satyagraha was launched against the Dhenkanal State from Cuttack. Sri Nabakrishna Choudhury resigned his seat in the Orissa Legislative Assembly in order to be able to lead a batch of volunteers to offer Satyagraha in Dhenkanal. The whole party of Sri Nabakrishna Choudhury was arrested by the State authorities on the 3rd December 1938. They were, however, released soon after their return to Cuttack. Thus the leaders of Orissa, particularly those belonging to the Socialist group were in active sympathy with the Satyagrahis of Dhenkanal and wholeheartedly participated in the States peoples' movement against the oppressions of the Chiefs.

Continued Agitation in the States & reaction of the Chiefs

Throughout the whole of the month of December 1938 the affairs of the Dhenkanal and Talcher states engaged the

attention of the leading politicians of Orissa. Every effort was made to keep alive the agitation in the States and the people marched ahead in their fight with unstinted vigour. The oppressions in the State of Talcher became so overbearing that thousands of agitators left the State and settled in refugee camps established in Kosala and the neighbouring villages as well as in the Angul town. In fact, the sufferings of the agitators knew no bounds. Their crops were attached by the Raja on the ground of their inability to pay the exorbitant demands of rent. Many of them were badly assaulted and their women molested by the agents of the Chief. Thus they took refuge in the camps of Angul as a means of escape from and protest against the tortures meted out to them. Feeling the pressure of the agitation in his State, the ruling Chief of Dhenkanal decided (about the 3rd week of December, 1938) to allow the State representatives to associate themselves in the administration of the State. But this gesture on the part of the Chief, conciliatory though it was to a certain extent, could not satisfy the aspirations of the people as their demands fell far short of the establishment of a full responsible Government and a guarantee of civil liberties. The subjects of the Nayagarh state demanded the fulfilment of their legitimate rights. The Chief of the Nayagarh State tried to suppress the movement by taking recourse to measures of diplomacy and dissuading the people from joining the agitators and promising concessions to them. The people of the State however, remained unmoved by such pretensions and artful tactics on the part of the Raja and carried on their agitation with a singleness of purpose. The agitation of the States' people attracted the serious attention of Mahatma Gandhi who sympathised with their cause and offered them necessary counsels from time to time. In the matter of Satyagraha in the States he issued instructions that no outside volunteers should be deputed to the State and that the States' people should be brought into the British territory for training in Satyagraha after which they should be sent back to the States to offer Satyagraha. His advice was acted upon and thousands of agitators left Talcher and other States, and camped at Angul and the neighbouring places. Extradition warrants were issued by the Chiefs of the States against the agitators who left their states and oppressive measures on the subjects were intensified with a view to quell the movement. The people however, remained undaunted and plunged into the fight for freedom with resolute earnestness.

Congress support of State People's agitation

The Congressite and Socialist leaders of the Province fully supported the agitation carried on in the States and denounced the oppression of the rulers on their subjects in undisguised terms. The people of the province in general expressed warm sympathy for the cause of the state peoples' movement for the achievement of their rights. The leaders actively associated themselves with the movement in the States and directed its steps from time to time.

Muhammedan allegiance to Congress

A certain section of the Orissan Muhammedans remained faithful to the Congress creed and propagated among their fellow members of the Community for active adherence to the principles of the Congress. They were particularly conscious of the 'divide and rule' policy of the British and its nefarious effects on the Indian nation.

Agitation in Nayagarh State

The Kisan agitation in the Nayagarh State grew vehement in December 1938. An Ordinance was issued by the ruler of Nayagarh prohibiting meetings and processions within the State limits. The ordinance was disobeyed by the leaders of the Nayagarh *Prajamandal* who held a meeting on the 27th December 1938. Two *Prajamandal* leaders were arrested by the State authorities for violation of the ordinance. Thereupon the *Prajamandal* offered Satyagraha on the 30th December. The ruler apprehending trouble from the agitators sought the assistance of the Political Agent, Orissa States for curbing the agitation.

Reaction of the Raja of Ranpur to peoples' agitation: Reaction of the people ending in murder of P.A

The agitation in the Ranpur State took a violent turn during the latter part of December and more especially from the 2nd January, 1939, following the declaration of the Ranpur *Prajamandal* as an unlawful organisation and the arrest of some of their leaders by order of the State Durbar. On the 5th January 1939 huge crowds gathered before the palace from all over the State and demanded the immediate release of the *Prajamandal* leaders. The ruler wired to the Political Agent seeking his assistance. Major Bazelgette, the Political Agent, Sambalpur on receipt of the message came to Ranpur with a small force from Nayagarh after clearing the obstructions on

the way that was blocked by bullock carts and large branches of trees. Thousands of people armed with lathis assembled outside the palace and created an uproar complaining about the death of two tenants for which they held the Political Agent responsible. Major Bazelgette who was consulting with the Ruler of Ranpur inside the palace came out to meet the people. All at once, he was attacked by the mob. He then fired his revolver and killed a man. But he was immediately overcome by the mob, being beaten and stoned to death. This event, namely the ghastly murder of Bazelgette was the culmination of the agitation in Ranpur and the unforeseen outcome of the heated feelings that ran high among the people of the State. Most sections of the Orissa public were shocked to hear of this sensational news. But different circles interpreted the event in different ways and expressed their feelings and sentiments in varied manner. The Socialist and the extremists among the agitators in Orissa deemed it the necessary outcome of the oppressive rule of the State and fitting response of the people to the injustices suffered by them. They cited the incident as an example of warning to the oppressors and indicated that more such murders would occur in case the legitimate demands of the people were not satisfied. The authorities, however, interpreted the event in a different way and held the Congress and Socialist leaders responsible for it attributing to them the blame for initiating the movement inside the State. Thus the Weekly Official Report dated the 23rd January 1939 regarding the above incident at Ranpur narrates as follows.

Factors leading to and after effects of Ranpur murder

"The incessant propaganda and agitation of recent months directed against neighbouring Indian States, which has been allowed to go unchecked in British India in furtherance of an organised movement based on alleged non-violent principles, has now had its inevitable result in an otrage in Ranpur State in which the Political Agent, Orissa States, was attacked and brutally murdered. Though the news of this outrage has profoundly shocked public opinion in Orissa as elsewhere, any indication of real change of policy as directed by Provincial Congress, Socialist and Communist leaders, is not evident in view of the fact that it is still the intention of local agitators and leaders to instigate the tenants of States neighbouring Jajpur Sub-Division in Cuttack district. Whatever action may be taken in British India to curb these activities, it seems that the agitation of people inside the States will not be allowed to dwindle, if it

can at all be avoided. Such a policy has the support of more than one well-known all India agitators.

Factors leading to the Ranpur murder: Misinterpretation of Congress policy by agitating masses.

"Investigation into the circumstances of the Ranpur outrage discloses the moral responsibility of various Congressmen socialists and Communists of local importance. During the period under review there have been a number of public meetings especially in the neighbouring district of Puri. Speakers have generally expressed their condolence and condemnation of the murder and there is no doubt that the public opinion has been profoundly shocked. There is strong indication that certain important leaders are beginning to question themselves as to how the Congress Policy of non-violence can be maintained, if the Party's platform is to be allowed to be made use of by violent and irresponsible elements in politics, whose ideas are based on revolution rather than evolution. During the past year it has been frequently found, especially in Puri and Cuttack districts, that Congressmen Socialists and Communists have been speaking at the same meetings and have been working through the same organisations, be they Congress Primary Committees, Kisan Sabhas or Prajamandal all with avowedly the same objects to fight against and to overcome British Imperialism and audiences have been seldom left with doubt as to how this state of affairs should be attained. It is curious, therfore, that it should only now, as it appears, have dawned on a more responsible element in local politics that Congress has in fact been sponsoring a policy of violent action, Even now, a fortnight after Major Bazelgette's savage murder, a section of local politicians and agitators, so far from expressing any regret, consider that the Political Agent deserved his death ; there would therefore appear to be no real change in heart in political circles, whose chief occupation still is to keep the anti-state agitation alive both in the states and in neighbouring British India".

The agitation of the States' people against the mal-administration of the chiefs attract ed the sympathetic attention and active co-operation of many outside leaders. Prof. N. Ranga, M.L.A. of Madras came to Cuttack on the 8th January, 1939, to discuss the problems relating to the States' agitation with Socialist leaders like Sri N. K. Choudhury and others. He visited the refugees' camps in Angul and appealed to the Congress president

for help in providing the refugees with immediate necessities by starting a 'State Refugees' Relief Fund'. He held the opinion that the return of the refugees to the States could not be effected without the desirable gesture from the Rajas by way of ending the repressions and satisfying the minimum demands of the people.

Visit and activities of Miss Agatha Harrison, Babu Rajendra Prasad and Mr. C. F. Andrews

Three other notable personalities who visited Orissa during the period in connection with the local politics were Miss Agatha Harrison, Babu Rajendra Prasad and Mr. C. F. Andrews. Miss Harrison took great interest in the agitation against the Feudatory Chiefs and attempted to effect a settlement of the situation. The problem regarding the Dhenkanal and Talcher refugees in Angul received the serious attention of Miss Harrison and some of the important all India leaders. The policy of federation as outlined by the British was strongly resented by the Congress leaders. Their object in encouraging and assisting the movement in the States was to form a 'strong and ready point of attack' against the policy of federation. During his visit to Orissa Mr. C. F. Andrews discussed the local problems of Orissa with the local political leaders, regarding the State's affairs and the amalgamation of the States with British India. The mission of Babu Rajendra Prasad in his visit to Orissa, was to discuss with the local leaders about the proposed amendments to tenancy legislation.

Miss Agatha Harrison who was the Secretary of the Indian Conciliation group, London, tried with the help of Sri Harekrishna Mahatab, to bring about a conciliation in the matter of the Orissa States through the intervention of the Political Department of the Government of India.

New set up of the U. P. C. C

There was an important change in the personnel and policy of the Utkal Provincial Congress Committee in January 1939 with the election of Pandit Nilakantha Das as the President of the Utkal Provincial Congress Committee and the appointment of Pandit Godavarish Misra as Secretary.

The Working Committee of the Utkal Provincial Congress Committee met on the 9th January 1939 at Cuttack and decided to approach the President, All India Congress Committee to

clarify the relationship between the Utkal Provincial Congress Committee and the Provincial Cabinet.

Attitude of local Moslem league towards the Ministry

The decision of the Utkal Provincial Congress Committee to seek the advice of the A. I. C. C. in respect of the inclusion of a Muhammedan member in the Orissa Cabinet was the result of considerable agitation carried on by the Muslim community of the Province especially at Cuttack demanding the appointment of a Muhammedan Minister. The attitude of the local Muslim League members was quite hostile to the accepted Congress Policy. In a meeting of the local branch of the Moslem League, Jamit-ul-Ulema and Orissa Muslim Association held at Cuttack on the 4th February 1939, it was resolved to call upon the Muslim members of the Assembly not to sit in the Cabinet if it necesstated signing the Congress pledge unless all the demands of the Muslim League were accepted by the Congress.

Agitation in Hindol and Nilgiri

The agitation in the States of Hindol and Nilgiri took a new turn after the Prajamandals of the two States were declared illegal by the State authorities. The Prajamandal offices were searched and papers were seized by the State Police.

People from the States of Talcher, Dhenkanal etc. repaired in larger numbers to Angul in the month of February 1939 to settle in the refugee camps established there as a means of escape from the oppressive measures of the State rulers.

Congress to solve the State refugees' problem

During March 1939 the problem of the State refugees who had encamped at Angul engaged the serious attention of Political leaders as well as the Government authorities. The Revenue Commissioner, Orissa the Assistant Political Agent, Mr. Woods of the Salvation Army, Sri Harekrishna Mahatab and two members from each of the refugees' camp met in Conference at Angul on 21st March 1939 and discussed terms of compromise to be effected betwen the ruler of Talcher and the subjects of the State. But the conference ended in a failure as the Raja of Talcher was disinclined to accept the proposed terms.

A quieter phase of the States agitations

The agitation of the states' people of Orissa ultimately brought pressure on the Political Agent, Orissa States who promised to consider the grievances brought under his notice. Mahatma Gandhi who directed the movement in the States advised the people to withhold Satyagraha. Sri H. K. Mahatab who acted as Gandhiji's political representative communicated Gandhiji's message to the people and instructed them to agitate constitutionally through the Ruling Chiefs and the Political Agent for the redress of their grievances.

Conflict between the Congress and Socialist Circles,

There was a sharp division of policy and programme as adopted by the Congress and Socialist circles in Orissa. This led to a fight for supremacy between the Congress and Socialist leaders who vied with each other to attract and win the confidence of the masses for their respective organisations. The more orthodox sections of the Congress attempted to win over the Kisan organisationsa nd to free them from Socialist influence. On the other hand the Socialists and Communists deviated from the adopted policy of the Congress and leaned towards the new ideology as preached by Sri Subhas Chandra Bose. The younger elements among the socialists enthusiatically supported the formation of a 'Forward Bloc' in Orissa. This new movement earned the active sympathy of the President of U. P.C. C.

Activities of the Anti-Ministrial group

The Congressmen of the Province who were antagonistic to the Orissa Ministry carried on an agitation against the latter with vehement ardour under the leadership of Pandit Nilkanatha Das. The anti-Ministerial group joined hands with the extremist elements of the Socialist Party in their opposition to the Orissa Ministry.

Proclamation by Dhenkanal Darbar for constitutional reforms

The rulers of the Orissa States felt the impact of the agitation carried on by their subjects and tenants and adopted a somewhat conciliatory attitude towards their people. Thus the ruler of Dhenkanal announced in a Darbar held on the 26th June, 1939 a number of measures regarding constitutional reforms for improving administration of his State.

Proclamation of Constitutional reforms by Talcher Chief

A further proclamation with regard to constitutional reforms in the Talcher State was issued by its chief on the 23rd June 1939. According to this proclamation the state machinery was not to be used either for collection of fines imposed by eccelesiastical courts and panchayats or for implementing the decisions of such courts in the State.

Peoples' reaction to proclamation

The official report of the 10th July, 1939 runs as follows:—

"The situation in the States has not apparently improved with the recent proclamations made by the rulers of Talcher and Dhenkanal States. The Talcher refugee problem has temporarily become eased a little, not because of the ruler's concessions, but rather because now is the paddy season."

Agitation in the Khandapara State

In July 1939 there was considerable agitation in the Khandapara State against the oppressions of its ruler. The Prajamandal of the State demanded before the Raja the recognition of the Association of elected representatives of tenants. The ruler of the State was not agreeable to the demand as a result of which the agitation assumed a vigorous form.

Subhash Bose

Subhash Chandra Bose visited Cuttack on the 5th August, 1939 where he delivered the message pertaining to the necessity of the formation of an all India army composed of non-violent volunteers. He criticized the Federation and blamed the Congress for its loss of fighting spirit. He explained the object of the 'Forward Block' to be the organisation of the progressive elements in the Congress with the aim of conducting a strenuous fight for freedom.

All Utkal Youths' Conference

The All Utkal Youths' conference was held on the 5th and 6th August 1939 at Cuttack. It was addressed among others by late Subhas Chandra Bose and Ashrafuddin Choudhury, Secretary of the Bengal Provincial Congress Committee.

Move for formation of Forward Block

A positive move was taken in the Conference to form a local branch of the "Forward Block" and a standing Committee consisting of 14 members with Jadumoni Mangaraj

as its President to enlist members for the "Forward Block". Pandit Nilakantha Das who had pro-Subash leanings requested the people to rally under the leadership of Subhas Bose while he indulged in criticism of the policy of the Congress in respect of its constitutional activities.

Visit of Jai Prakash Narain & Sahajanand Saraswati

Two other notable personalities visited Cuttack from outside in August, 1939. They were Jai Prakash Narayan and Swami Sahajananda Saraswati. Sri Narain moved the public to carry on a relentless agitation against the fascist and imperialist powers. He expressed the view that the Congress Ministers should resign and join the National Struggle for freedom. Swami Sahajannda eulogised the heroic sacrifices and the brave struggle of the states' people and advocated the extinction of the class of the ruling chiefs.

No improvement in the situation of the States

There was no improvement in the situation of the States during the month of September, 1939. The concessions granted by the Chiefs of Dhenkanol and Talcher as laid down in their proclamations, failed to appease the agitators in the State. Their primary demand for the grant of civil liberty had not been granted to them and the warrants of arrests against their leaders had not yet been withdrawn. Pabitra Mohan Pradhan President of the Talcher Prajamandal submitted a modified constitutional Reforms Scheme to the Resident, the Political Agent and the Jubraj of Talcher for their consideration.

The agitation of the States' people for the achievement of their legitimate rights continued with unabated vigour during the latter half of the year 1939. The ruling chiefs of the States adopted every possible measure to coerce the agitators into submission and followed a policy of violent oppression of the subjects in their movement. They refused to recognise the 'Prajamandals' as organised and established by the States' people and declared them as unlawful associations. In order to counteract the effects of the agitation carried on by the 'Prajamandals' the princes set up 'Praja Parishads' in their States which served as convenient instruments in their hands for the furtherance of their own interests. They arrested the popular leaders of the agitation and subjected them to severe repression. They instituted false cases against the State subjects who were suspected by them to be the leading prticipators in the

agitation. The labourers who eked out a miserable living by the sweat of their brow were compelled to execute bonds for the discharge of forced labour. The properties of the agitators were unlawfully forfeited by the States. Numbers of ways were devised to harass and inflict punishment on the subjects who dared defy the authority of the States and participated in the agitation against the misrule of the chiefs. Thousands were rendered destitute and homeless and took shelter in the refugee camps of Angul in order to escape from the tyranny of the rulers.

The valiant spirit of the agitators, however, could not be curbed by the repressive measures meted out to them by the Chiefs and their agents. They faced the torture inflicted on them with courage and forbearance and carried on the struggle for independence with undaunted vigour. They condemned the brutal policy of the chiefs in unequivocal terms and discarded the puppet institutions in the form of 'Praja Parishads' that acted as handy tools for the advancement of the sinister designs and selfish interests of the Rajas. In some of the States the people formed a new association named 'Praja Sangha' with the object of launching a counter-propaganda against the action of the 'Praja Parishads'. The arrest of the popular leaders greatly agitated the people and the institution of false cases against the leading agitators evoked strong resenment among all sections of the State subjects. The leaders of the Nilgiri Prajamandal formed a Defence Committee to render financial assistance to the victims of the chief who were prosecuted with concocted charges. Pabitra Mohan, Pradhan President of the Talcher Praja Mandal wrote a letter to the Political Agent, Orissa States narrating the oppressions of the State officials on the members of the Prajamandal. As the State Chief withhel the recognition of the Talcher Prajamandal, its office continued to function at Angul. The State refugees made a renewed resolve to continue their exodus and to stay on in the camps at Angul until the State authorities made reasonable amends and yielded to their legitimate demands. In fact, the exodus of the States' people to Angul was an organised and emphatic protest against the gross tyranny and the arbitrary mal-administration of the Chiefs.

The repressive measures of the State Darbars grew vehement in their attempt to quell the popular agitation in the beginning of 1940. These measures included 1. personal and house searches of those suspected to be furthering Prajamandal

activity, 2 prohibiting the assembly of more than five persons, and 3 stopping the enrolment of Praja mandal members. The adoption of such measures on the part of the State Darbars made the subjects all the more determined to rally under the 'Prajamandal' and to carry on their struggle with an indefatigiable spirit. The leaders of the Prajamandal fought with earnest endeavour to strengthen their organisation in order to carry on a relentless struggle against the tyrannical lords of the States.

The Talcher Prajamandel sent a memorial to the Political Agent Sambalpur, the Resident Eastern States Agency and the Viceroy containing the following demands :—

1. Reformation of the Praja Parishad (or the Peoples' Assembly).

2. Complete abolition of the miscellaneous cesses.

The promises made by the Chiefs in their declarations were not translated into action by them. As such the feelings of the States' people grew bitter against the intentions of the Chiefs as they interpreted the declarations to be a measure adopted by the Rajas to hoodwink and misguide the people. The British Government too was strongly condemned for violation of the conditions of the Butler Committee's Report and for aiding the chiefs in their repression of the subjects. The State refugees in the Talcher camps resolved anew to fight for the return of *Sarbarakari*, *Bhogra* tenure lands and the restoration of the property confiscated during the last agitation.

The Haripura Session of the National Congress in 1938 had declared the general principles of Congress policy in relation to the States.

"The Congress therefore stands for full responsible Government and the guarantee of civil liberties in the States and deplores the present backward conditions and utter lack of freedom and suppression of civil liberties in many of the States."

At the same time the Haripura resolution laid down a measure of self-limitation of Congress activity in the States.

"The internal struggle of the people in the States must not be made in the name of the Congress. For this purpose independent organisations should be started and continued, where they exist already in the States".

By 1939 the Tripuri Session of the Congress partially revised this position.

"The Haripura policy was conceived in the best interests of the people in order to enable them to develop self-reliance and strength. This policy was dictated by the circumstances but it was never conceived as an obligation. The Congress has always possessed the right, as it is its duty, to guide the people of the States and lend them its influence. The great awakening that is taking place among the people may lead to a relaxation or a complete removal of the restraint which the Congress has imposed upon itself, thus resulting in the ever increasing identification of the Congress with the States' people".

Pursuant to this policy, national leaders took an active part in the States' People's movements. The Ludhiana Session of the All-India States' People's Conference was held in February 1939 and Pandit Jawaharlal Nehru was elected as President and Pattabhi Sitaramayya as Vice-President. The Conference welcomed the progress made by the States' people in their struggle for "responsible Government" declared that :

The time has come when this struggle should be co-ordinated with the wider struggle for Indian independence of which it is an integral part. Such an integrated all-India struggle must necessarily be carried on under the guidance of the Congress."

After the war, the All-India States' People's Conference met in Udaypur in December 1945 and adopted the goal of "attainment by peaceful and legitimate means of full responsible Government by the people of the States as an integral part of a free and Federated India." Pandit Nehru declared in his presidential address :

"It is inevitable that the vast majority of States which cannot possibly form economic units, should be absorbed into neighbouring areas...The rulers of such small States may be given some kind of pensions and may be further encouraged to serve in a different capacity if they are fit enough for this.

"Of other States, which may be fifteen to twenty in number and which will form autonomous units in the Federation, the rulers can remain as constitutional heads under a democratic system of Government. Some of these Princes and Rulers belong to ancient houses intimately connected with history and tradition."

The policy of compromise with the Princes placed the Congress leadership in opposition to the popular movement of revolt in some States against princely rule which developed with overwhelming force in the revolutionary upsurge following the second world war. During these years the Indian States became storm-centres of the Indian political situation. Spontaneous struggles against feudal autocracy in the States developed, and were met with the most violent repression, the high-water mark being reached with the struggle of the people of Kashmir in 1946 against the Dogra dynasty under the clear and categorical slogan "Quit Kashmir."

In the Mountbatten Settlement in 1947 the princes were placed in a specially privileged position. The doctrine of paramountcy was declared to have lapsed, so that the supposed transfer of power to the new Dominion Governments did not include transfer of control of the Princes. The Princes became in juridicial form sovereign independent States, with perfect liberty to enter or not enter the new Dominions on their own terms. This formal independence could not in practice be maintained. Within a year all the States had acceded, on the basis of agreements negotiated by their rulers, to one or the other Dominion, with the exception of Hyderabad, which finally acceded to the Indian Union after military operations; a conflict also continued between the two Dominions with regard to Kashmir. The majority of the smaller States were grouped together to compose larger units (a plan which had been already projected by imperialism), but the structure of the States as a special sector covering two-fifths of India and cutting across all natural and national boundaries, remained, and the integrity of the major States was maintained.

Thus the Dominion Governments completed the policy of compromise with the Princes, and of maintaining the Princes at the head of their States, under cover of a facade of constitutional reforms. In a speech on March 16th, 1948, V.P. Menon, Secretary to the State Ministry, outlining the policy adopted "to retain the Princely Order, functioning as Constitutional Rulers", declared;

"Though the overwhelming majority of the people desired the Rulers to be eliminated, the States' Ministry under Sardar Patel, guided by Gandhi's view, had agreed to accord to the Rulers this status."

In a further Press statement on March 28 he reiterated that there was no intention to "exterminate" the Princes, adding that in fact, should any of them die childless, the title would not be allowed to lapse, and that in such a case a relative, or a citizen of the State or Dominion distinguished by public service, would be "raised to the peerage." Thus the Princes were not only to be accepted as a temporary concession, they were to be maintained in perpetuity.

Such a policy runs completely counter to the necessities of democratic development in India.

The complete abolition of the Indian States, the wiping out of the relics of feudal opperssion and the unification of the Indian people in a real Federation, based on the natural geographical-economic-cultural divisions and groupings of the people, was vital for the unity of the Indian nation, for the progressive development of India and for the realisation of democracy in India.

CHAPTER III

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INDIA IN WORLD WAR II

Resignation of Congress Ministries, Communal Differences Individual Civil Disobedience.

The mounting tension of European politics burst into a mighty conflagration which was destined to spread forces of destruction and turmoil to the four corners of the globe. A consideration of the causes of this global conflict is not relevant to our purpose. Suffice it to say that it was a war arising out of the conflicting interests of the countries of Europe in which the U.S.A. gradually ranged herself on the side of Britain and France against Nazi Germany. The interests of the Indian people in what may be called the domestic feud of the European races was remote and distant. But it should not be thought that India was indifferent to the principles and the ideology proposed by the belligerents.

The fact that India was committed to war against Germany by a proclamation of the British Government without a reference to her national representatives or public only served to underline the position of India as one of complete dependence upon Great Britain. The treatment meted out to political India by the British Government clearly proved that the apparatus of provincial autonomy which had been at work for a couple of years and the ideal of an All India Federation were little more than a sham to be scrapped at the sweetwill of the power determined to keep India in bondage.

The Indian National Congress lost no time in voicing its protest against the undemocratic and arbitrary act of the British Government by which India had been dragged into war. By a resolution passed on the 11th August, the Working Committee declared that it was against any attempt on the part of the British Government to impose the burdens of an imperialist war on an unwilling country. It also voiced its condemnation of the despatch of India troops to Singapur and Egypt. It also protested against extending the term of the Central Legislative Assembly and directed the Congress members not to attend its next session. The resolutions of the Working Committee concluded that the provincial governments should in no way assist the war preparations of the British Government. It also warned the Congress Ministries in the provinces

that if "the carrying out of this policy leads to resignations or the removal of Congress ministers, they must prepare for this contingency."

The resolutions should not be interpreted to mean that the Congress was trying to drive a bargain with the British in difficulty. Many Congressmen, were on the other hand, desirous of working in co-operation with her. All that they wanted was that Britain should in keeping with her declared policy, give an assurance that after the conclusion of the war full Dominion Status would be granted to India.

If the stand taken by the Congress was distasteful to the British Government, they derived some comfort from the resolution passed by the council of the Muslim League which declared that it was premature for them to determine their attituade to the war which would be done when a state of emergency arose. The Prime Minister of the Punjab and Bengal who had recently joined the Muslim League and presided over coalition Governments indefendent of the League, made public announcement placing the manpower and the future resources of their provinces at the disposal of the British Government.

The British Government proceeded to reduce to a nullity the limited scope of provincial autonomy by rushing through the Parliament a bill which vested absolute overriding powers over the autonomous provinces in the Governor-General-in-Council. The Congress was quick to protest against this step which "strikes at the very basis of provincial autonomy and renders it a farce...makes provincial governments the helpless agents of Imperialism."

Having committed India to war against Germany, the Viceroy appealed for support and invited Gandhiji, Jinnah and the Chancellor of the Chamber of Princes to an interview on the 4th September. He met them separately. Jinnah's position shot up like a rocket due to the special favour shown to him by the Viceroy in search of trusted allies, to by-pass the Congress and to suppress it in case of need. Jinnah himself showd his surprise at being "treated on the same basis as Mr. Gandhi." But the British Government had always taken special pains to inflate the value of communal forces in the country so that that they may play to their master's tune and serve as an effective make-weight against the growing power

of the Congress. The words of Jinnah are significant. He said "I was wonder struck why all of a sudden I was promoted and given a place side by side with Mr. Gandhi."

Gandhiji told the Viceory that although he could not speak in the name of the Congress, his sympathies were on the side of Britain and her allies. Jinnah felt unable to commit the League without prior reference to the Working Committee while the Chancellor of the Chamber of Princes offered unconditional co-operation of the rulers to the British war effort.

The Central Legislature enacted the Defence of India Bill. The Congress party did not attend the session. While addressing both the Houses of the Legislature, the Viceroy read a message from the King and announced that the postponement of the Federation was but a temporary phase of the constitutional development of India and defended it on the ground that the lapse of time was likely to make a better success of the scheme by securing the whole-hearted support of the princes and of the Muslim Leageue.

The Congress Working Committee held its session at Warhda from the 8th to 14th September. Looking to the importance of the issues to be discussed Jinnah was specially invited to attend but he did not. The discussions reflected three different views prevailing in the Congress. Gandiji was for giving Britain unconditional co-operation while those led by Subhas Chandra Bose were strongly in favour of extracting the maximum concession from Britain's difficulties. There were also those who followed the middle-of-the-road policy and demanded from Britatn a clear declaration of her policy regarding India's political future without causing her any serious embarassment. The Working Committee passed a comprehensive resolution in which it condemned German aggression but declared that India could not cooperate in a war which was being waged for the vindication of democratic rights when those rights were so blatantly denied to her. The Committee called upon the British Government to declare in unambiguous terms their war aims with particular reference to India in the immediate present. Without this, the Working Committee declared that the India of Congress conception could not lend her willing support to the prosecution of an Imperialist war. A special sub-committee was appointed to deal with the questions arising out of the international situation.

Gandhiji expressed his sorrow over the refusal of the Congress to accord unconditianal cooperation to the British Government but regretted that the British Government did not recognise India as an independent nation.

Now it was for the Muslim League to declare their policy which they did by passing a resolution in their Working Committee. The bulk of the resolution was devoted to the plight of the Moslem community under the Congress rule, condemnation of the federal scheme and an appeal to the British Government for effective protection of Moslems against the Congress domination. While expressing sympathy with the British cause, it declared that Moslem India could not extend its full support to the war effort without the fulfilment of two conditions: (i) Moslems should be secured just and fair treatment in the Congress provinces and (ii) no constitutional advancement should be made without the consent and approval of the Moslem League.

While the Moslem League was making fantastic claims, the Congress was drifting further apart from the path of conciliation with the British. Sardar Patel, Chairman of the Congress Parliamentary Board wrote to the ministers in the provinces governed by the Congress that they should not submit to their normal powers being overridden. The stand taken by the Congress had wide support in the country.

The Viceroy wanted that the Congress and the League should some how be roped in but without the sacrifice of the overriding powers of the British Government to conduct the war according to their light. He, therefore, declared that while it was impossible to make constitutional changes in the midst of the war, he was prepared to associate political opinion in India with the war effort by constituting what he called the Defence Liaison Committee, presided over by the Viceroy, at which confidential information regarding the progress of the war would be made available to the members. The Secretary of State was not satisfied with the Viceroy's scheme and strongly felt that ways must be found for a more definite and closer association of political opinion with the prosecution of the war.

The Viceroy seemed to agree with this view and thought of making a more positive statement, but after consulting the leaders of political parties,

Thus began an interminable chain of interviews which seemed to invest with representative character and public capacity even the most insignificant politicians, in the hope that they will oppose the stand taken by the Congress. The Viceroy had a long interview with Gandhiji and later with Babu Rajendra Prasad and Pandit Jawaharlal Nehru. The Viceroy, suggested that, in view of his interviews with leaders of other political parties, the meeting of the Congress Working Committee might be postponed.

In course of their interview, Pandit Nehru and Babu Rajendendra Prasad had pointed out the indispensible need of declaring absolute freedom for India after the end of the war and an immediate share of power at the Centre. They strongly objected to communal differences being put forth as an excuse for delaying the transfer of power to Indian hands.

Finding that they were being ignored in the political parleys, the Liberals, the Scheduled castes, the Hindu Mahasabha and the Parsees issued a joint statement challenging the claim of the Congress and the Muslim League to speak on behalf of the whole country and emphatically declared that if the claims of the Congress were accepted there will be no prospect of democracy in India.

Needless to say, the statement must have been very welcome to the Viceroy who was out to undermine and weaken the Congress.

The chain of interviews continued. Jinnah and his Moslem League representatives were interviewed. Sikandar Hayat Khan opposed the expansion of the Viceroy's Executive Council. Savarkar was in favour of supporting the war effort on the condition that dominion status should be granted to India after the war. Ambedkar was of the view that parliamentary system had failed in India. He opposed the expansion of the Executive Council and any extension of self-government at the Centre. Rajagopalachari insisted on the expansion of the Executive Council and inclusion of political opinion. Thus arose a collection of jarrring notes, each contradicting the other. What a solace it must have been to the British Government, it is hardly necessary to emphasise.

The Congress could not for long keep out from the public what was passing between its representatives and the Viceroy.

At its session on the 10th October, it again protested against the arbitrary manner in which India had been involved in the war and demanded that the British Government should declare their war aims vis-a-vis India. The left wing of the Congress opposed the moderately worded protest but the resolution was passed. The position of the Congress, was thus, being put to a severe test but Gandhiji advised the Congressmen against taking any precipitate steps and called upon them to await the instructions of the Working Committee.

The long awaited declaration of the policy of the British Government was made on the 17th October. It promised the Defence consultation group with a view to the association of Indian leaders with the conduct of the war and reminded the people of India that the natural issue of India's constitutional progress was the attainment of Dominion Status. Regarding the future constitutional development of India, the Viceroy gave an undertaking on behalf of the British Government that at the end of the war, they would hold consultations with the representatives of different communities and interests in the country and the India Princes to secure their assistance in the framing of an agreed scheme of India's constitutional development.

The declaration was rejected by the Congress. It decided that co-operation with the war effort would, under the circumstances, amount to an endorsement by the Congress of Britain's Imperialist policy. The Congress called upon the provincial ministries to resign though it warned the Congressmen against any hasty steps, like the Civil Disobedience and strikes. The debate in the House of Commons failed to pacify the Congress and it stuck to its decisions regarding the resignations of the Congress ministries by the 31th October.

All the Congress ministries except that in Assam resigned and the Governors, unable to secure an alternative ministry, assumed dictatorial authority over the entire field of provincial administration. The red claws of British Imperialism which were carefully concealed under the frills of provincial autonomy now, stood out in their stark nakedness and threw out a challenge to the forces of Indian nationalism.

The policy of the Congress in withdrawing from the field of provincial government has been criticised as ill-advised and harmful to the national cause. It has been urged that by

resignation the Congress threw away its superior bargaining position specially when the British Government was, from policy and necessity, deliberately enhancing the prestige and power of the communal forces in the country.

The Viceroy invited Gandhiji, Babu Rajendra Prasad and Jinnah to an interview and confronted the Congress with the lack of agreement among the parties being a bar to any progress further than the establishment of the defence consultation group. He invited the leaders to evolve an agreement in the provincial field and then let him have proposals for the expansion of the Executive Council. The Viceroy communicated the offer in writing to the leaders. Jinnah met Gandhiji and Rajendra-prasad but was told that the Congress was unable to discuss any further proposals before the British Government clarified their war aims. The Viceroy was reminded by the Congress that the issue of India's independence was political and unrelated to communal issue. The Congress also conveyed its considered view that it could not consider the question of co-operation unless the British Government declared its war aims. The demand of the Congress for the creating of India's constitution by a Constituent Assembly without outside interference was again emphasised.

Having come to the firm conclusion that it was not possible to rope in the Congress, the Viceroy tried to make a show of Britain's honesty of purpose by releasing for publication the correspondence that had passed between it and the leaders of the political parties. He underlined the lack of agreement between the Congress and the Moslem League on fundamental issues and promised to renew his efforts at unity in more favourable circumstances.

The political statement suited the British Government and it was natural that it was in no hurry to hasten its exit from India. The Moslem League had declared its policy of co-operation. The resources of the non-congress provinces like Bengal and the Punjab were at its disposal, The Princes were at their back and call. The Congress had resigned office and the Governors had assumed absolute powers in the provinces which were ruled by the Congress ministries. True to its policy of opposition to fascism and nazism the Congress did not contemplate direct action to embarass the British Government which felt strong enough to crush it should it prove recalcitrant. There was, therefore, no reason for the Viceroy to woo the Congress.

On the other hand, a marked change was visible in the British attitude to the Congress which was now called upon to make up with Moslem League in the provincial field as a pre-condition to the expansion of the Executive Council at the Centre. The fact by resigning office the Congress position suffered a set back is undeniable. The British Government had become more and more soft to the Moslem League. Nothing could have given more satisfaction to the British ruling circles than to find that their natural predilections towards the Moslem League was sustained by the requirements of the immediate necessities no less than by the ultimate goal of the British policy in India.

The British Government now deliberately embarked upon the policy of placating the Moslem League. The Viceroy gave it all the assurances demanded by Jinnah, and promised that no declaration regarding the constitutional development of India would be made without the agreement of the Moslem League. Enboldened by the official support, Jinnah called on the Moslems to observe the 22nd December as a day of thanksgiving to make their emancipation from the tyranny, oppression and injustice of the Congress regime in the provinces. The "Deliverance Day" was observed all over the country and the occasion was exploited by the Muslim League to sow the seeds of hatred and bitterness between the Hindus and the Muslims. The prospects of any settlement appeared bleak. The stand taken by the Congress which demanded a Constituent Assembly at the end of the war and that of the Muslim League which stoutly opposed it, were in flat contradiction of each other. The British Government did not encourage public men of uncommitted affiliations to help create an atmosphere of rapproachment.

However, the Viceroyal statement made early in 1940 at the Orient Club, Bombay generated some hope in Gandhiji's mind that it was worthwhile exploring the avenues for a settlement and wrote to the Viceroy requesting for an interview. The interview took place on the 5th February but before this the Viceroy discussed the political situation with Sikandar Hayat Khan and Fazlul Haq. Both of them were against the abandonment of the principle of collective responsibility as suggested by Jinnah. Sikandar Hayat Khan was also opposed to the establishment of Coalition Ministries in the provinces, on the ground that it would weaken the Moslem League.

The interview with Gandhiji must have taxed the diplomatic skill of the Viceroy to its uttermost. Gandhiji told him at the outset that he was not in a position to commit the Congress. He put forward the following points :—

1. The British Government should allow India to settle her constitution in a Constituent Assembly representative of all interests.

2. The States should decide by a referendum of the people whether they wish to remain under autocratic rule or would prefer to join the democratic set up.

3. The Muslims should be guaranteed the protection of their religion, culture, personal law, language etc. the guarantee to be secured by reference to tribunals to be set up by mutual agreement.

4. The interests of the scheduled castes can be protected by the Congress better than by Britain.

5. The British commercial interests should find protection under the ordinary law of the land regarding property rights. Britain should not include any safeguards in the settlement of transfer of power.

6. It should be left to the Constituent Assembly to decide whether India would be a dominion or otherwise. The question of states should be settled by Indians themselves.

Now who could have taken exception to the Congress stand stated above by Gandhiji ? The interests of the Muslims, scheduled castes, British commercial community and the Princes were adequately provided for. It only restated the British 'pledge' that the constition of India would be framed by agreement among the Indian interests. But it was all in vain. The Viceroy did not agree. The British always shirked from the mere idea of immediate transfer of authority. They were fond of making promises and offers for the future with no intention of fulfilling them. It was the old story of breaking to the heart the promises made to the ear. The Viceroy merely repeated that is the Indian parties agreed he would place 4 seats at the disposal of the Indian political parties, two from the Congress one from the Moslem League and one outside these two organisations.

Gandhiji was prepared to try out responsible Government for British India and leave the States out, if necessary, but the

Viceroy was not to be out-witted in this score, as the Indian Princes stooges of the British Government were the allies of British Imperialism and could be relied upon to help the British by opposing the Congress as a party to the proposed settlement. How could the British be expected to part with such loyal allies, who in case of need, could be trusted more than Jinnah and the Muslim League ? So the Viceroy declared that an All India Federation was still the policy of Britain and she was prepared to resume negotiations with the princes even during the war. The Viceroy, ultimately, told Gandhiji that he was not empowered to go beyond these limits in his negotiations.

Thus ended the negotiations between Gandhiji and the Viceroy.

The Viceroy now turned to Jinnah who showed great satisfaction at the failure of Gandhiji's negotiations with the Viceroy and said that the return of the Congress ministries in the provinces would be a signal for civil war. He meant to suggest that the Viceroy had done well in not accommodating Gandhiji. The Viceroy did not like Jinnah chuckling over a situation in which he was fast becoming the decisive factor and without whose consent the Viceroy could not move in the direction of rapproachment with the Congress. He reminded Jinnah that the Congress ministries were entitled to return to office if backed by a majority in the legislature and all that Jinnah could ask for was legitimate safeguards for Muslim interests.

Jinnah changed the subject and expressed his dislike for immediate dominion self-government for India a sentiment which could not have displeased the Viceroy although he reminded Jinnah that it was not possible to stand stiff and that some positive step forward had to be taken. The Viceroy, however, promised Jinnah to secure the support of the Governor for the establishment of a Muslim League Ministry in the Frontier province when the Congress ministry had lately resigned.

Jinnah proceeded to air his pet theory that the Muslims were not a minority but a nation and as such should share the government at the centre and in the provinces with the Hindus ? He also declared the Muslim League would strongly resist the return of the Congress to the provincial government.

The Working Committee of the Congress at its meeting held on the 28th February at Patna declared that unless its demands for complete independence and an unfettered Constituent Assembly were conceded, it will resort to Civil Disobedience as soon as the organisation was fit enough for the purpose or even earlier if circumstances precipitated a crisis. The Congress had spoken out its mind and the British Government adopted all the more a policy of bitter hostility to it correspondingly, it leaned more heavily upon the Muslim League whose attitude was stiffening and becoming harder.

The Muslim League met at Lahore in the end of March and passed what is known as the Pakistan resolutions. It declared its considered view that India be divided into two sovereign states. The demand for Pakistan spread concern throughout the country. In retrospect, we are bound to pose this question. In 1935 Pakistan was not a practical proposition. What happened during the next 5 years by which the Muslims found themselves awakened to a sense of their new nationhood? And this is not all. The British Government, while paying lip-sympathy to the ideal of a united India, accepted the idea with such ugly haste as to give it official recognition in the Cripps proposal only two years after. After reviewing the sequence of events during the last ten years preceding the transfer of power, it is difficult to escape the conclusion that in conceding Pakistan, they had the satisfaction of fulfilling an old and long cherished policy regarding the independence of India.

Now the British Government was out to humour the Moslem League at any cost. The Secretary of State met the long felt demand of the League and vested it with a veritable veto upon future constitutional advancement of India.

Thanks to the British hostility to Indian nationalism, the Moslem League achieved all that it wanted and was well on its way to disrupt Indian unity.

The war waged by the British authorities against Indian nationalism, in fact, never abated. No opportunity was lost to weaken the popular awakening. Under the autocratic rule of the governors, the Congress workers were arrested for carrying out their normal activities. In fact, the British officials took a special delight in showing their place to those who were, only the other day, ministers, speakers and members of the

Legislature. Had the wheel of represssion been allowed to turn unchecked, all traces of public consciousness would have disappeared and it would have amounted to a voluntary abdication, on the part of the Congress, of its historic mission to emancipate the country from foreign bondage. The Congress could not remain as a passive spectator of the destruction of Indian nationalism.

Gandhiji had, by now assumed complete control of the Congress. As he had told the Viceroy, that the Congress could not pursue its policy of non-embarassment to the extent of committing suicide. How was it possible for the Congress to stand by while, the country was ground down under a nineteenth century autocracy which showed no respect for individual freedom and public rights ? Gandhiji was, however, anxious to avoid any mass movement and public upheaval. So the movement of Civil Disobedience which was launched was limited to individuals as distinct from a mass movement. It was a moral protest whereby India made it clear that she refused to submit to British dictation. Thus India showed her resentment without creating trouble.

The individual Civil Disobedience movement started on a very small scale. Those who took part in it violated some formal orders, were arrested and sentenced to imprisonment. Members of the Working Committee, former ministries, members of Legislature, members of the central and provincial Congress committees led the way and were imprisoned and the number gradually mounted up. In a very short time, nearly thirty thousand men were behind the bars. The presence of ex-ministers, speakers and members of assemblies in jails was a resounding protest against the suppression of democratic liberties and a challenge that India will not submit to autocracy.

People were charged with sedition and disloyalty for pursuing their normal activities in public life. They were arrested and detained without trial.

The declaration of Roosevelts' four freedoms and the Atlantic Charter brought little satisfaction to India in the background of mass arrests and the incarceration of her beloved leaders. Whatever enthusiasm the Atlantic Charter might have evoked in the Indian mind was chilled by Churchill's prompt qualification that the charter did not apply to India.

In 1941 Hitler attacked the Soviet Union and the war situation underwent dramatic changes. The Communist party of India which had branded the war as a conflict of Imperialist powers suddenly became pro-British and invested it with proletarian virtues. The British Government, in their turn, extended to the Communists a ready welcome as partners in the war activities and then to undermine the position of the Congress. That the role of the Indian Communists in the fight for freedom was least creditable requires no proof. They allowed themselves to be used as tools for fighting the Imperialistic war.

CHAPTER IV

CHAPTER IV

ANTI-WAR AGITATION IN ORISSA 1939-40

Out-break of War & its reaction

The outbreak of war in September 1939 over shadowed all other events and held the chief attention of the people. Congressmen of the Province anticipated a lead from all India leaders regarding the attitude to be adopted in the situation created by the war.

Anti-war agitation

The anti-war agitation took a vehement turn after the announcement of policy by the All India Congress Committee towards the British in war situation in October 1939. Congressites as well as the Socialists waxed eloquent on the evils of war criticising the British for dragging India into an unwanted war and for their betrayal of India's interests after the last great war. They advocated no-tax campaigns and strikes on railways as the best weapons with which to fight the British Government. The leftists in Orissan political circles decided that they would at first carry on their struggle on economic issues and that they would later turn that into a political agitation. In addition to this programme, the Communist party determined to start a State peoples' agitation with a view to strengthen the scope of their movement. The leaders made an earnest endeavour to organise propaganda work in order to establish intimate contact with the masses. With this end in view, tours and numerous meetings were arranged in a number of districts while schemes were drawn up for a regular net work of centrally controlled and organised workers in the interior. It was evident that whatever course the Congress might adopt after the collapse of the constitution, its chief object was to command the support and allegiance of the entire country to the creed and policy enunciated by it. The agitation in the states was turned into a part of the wider agitation carried on in British India for the achievement of independence and the establishment of a popular democratic government in the country. It was brought home on the public by the erstwhile leaders of the Congress that the agitation in the states was intimately associated with support to the all India policy of the parent national organisation.

The Congress circles in Orissa supported the war decision of the all India Congress Committee after the announcement of the statement by the Viceroy and emphasised on the fact that Indians had every right to fight for their independence of which they had been deprived by the British. They thus resolved to stand by the decision of the all India Congress Committee on the war issue in all circumstances and supported the recommendations of the Orissa States' Enquiry Committee. They along with other political parties in Orissa carried on an insistent propaganda to the effect that every possible advantage of the situation must be taken by India in order to attain her cherished goal, namely, complete independence of the country.

Resignation of the Congress Ministry

The Congress ministry of Orissa tendered resignation on the 4th November, 1939. Great enthusiasm prevailed among the people at this dramatic action of the ministry and it received the sympathetic approbation of the vast majority of political thinkers as well as members of the public. With the resignation of the ministry the extremist as well as the orthodox Congressmen devoted their united energies to the work of the organisation of the masses. A secret but systematic agitation was carried on in the interior, propagating against the war efforts and the British adminstration. The leaders established intimate contact with the masses in important centres and entrusted reliable workers with the charge of spreading propaganda in different areas. They fully utilised the services of the students voluntarily rendered for the cause of the mass organisation. Volunteer corps were started in a number of places in order to train up young men for the ensuing struggle. Active agitation was carried on in the states as a result of which Congress could attract the confidence and support of the states' people for the general movement. An attempt too was made to win over Government servants and the class of landlords to the side of the Congress through principles of non-violence.

Anti-War Agitation

The anti-war agitation grew in vehemence as time passed on. The feeling that India was dragged into an unwanted war for the furtherance of British imperial interests prevailed among the masses as well as the educated public and the British Government was condemned for its pursuance of imperialistic designs by the exploitation of India's resources.

The Viceroy's statement evoked strong criticism from the enlightened public, it being construed as a blank refusal to grant freedom to India whereas the statement of the Secretary of the State was received with genuine disapproval.

A certain section of the Muslims,* was conscious of the anti-national character of the Muslim League and its activities and considered the attitude of the League to be hostile to their genuine interests. In a number of meetings held in the district of Cuttack between the 7th to the 13th January 1940, they preached the message of the Congress amongst the Muslims of Orissa, condemning the Muslim League and its founder Mr. Jinnah as acting contrary to Muslim interests and national unity. They strongly advocated Muslim support for the Congress and emphasised the need of communal harmony among Hindus and Muslims.

The activities of the Muslim League of Orissa created strong resentment among the Hindus. A branch of the all India Hindu Mahasabha was formed at Puri on the 24th January, 1940 with the Raja of Madhupur as its President. The organisers of the Mahasabha advocated co-operation with the British in the war, holding that India should be content with Dominion status in the circumstances.

The action of the Viceroy in withholding his consent to the Madras Estates Land Act Amendment Bill evoked strong criticism among the general public, especially the peasant population of Orissa. As a protest against the action of the Viceroy, a Kisan rally was held in the district of Ganjam from the 21st to the 28th January 1940, being organised by the ex-Premier Biswanath Das.

The anti-war agitation launched by the Congress was strongly disapproved by the land-holders of Orissa as they considered the move to be prejudicial against their vested interests. Any move implying severence of connections with the British was vehemently resented by them, in as much as they looked upto the British as the patrons and guardians of the privileges enjoyed by them. They held the view, that a Constituent Assembly based upon adult franchise or consisting of the members of the Provincial and Central Legislatures would not solve the problems of the country.

The Orissa Branch of Muslim League that was started for the furtherance of Muslim interests in the Province was

affiliated to the all India Muslim League, Delhi with effect from the 25th February 1940.

A Provincial Committee of the Forward Block for Orissa was constituted in March 1940 with Dibakar Patnaik of Ganjam as its President and Asoka Das as Secretary.

Preparations for a Civil Disobedience movement was started by the Congress in Orissa from April 1940. Volunteers who fulfilled all the five points required by Mahatma Gandhi were reckoned as active, while those who being desirous of rendering help to the movement could not reach the high standard expected by Gandhiji, were included in the passive category of such volunteers. A training centre for initiating the volunteers into the cult of Satyagraha was opened at Bari in the district of Cuttack. All the District Congress Committees of the Province were directed to nominate volunteers and depute them to Bari for undergoing a course of training for the contemplated move. A Satyagraha Committee was formed in order to supervise and encourage constructive work in the province and to submit fortnightly reports to the All India Congress Committee on the progress made in the preparations. Similarly Satyagraha committees were formed in each district with the object of carrying on Congress preparations for the movement in the respective districts. Towards the latter part of April 1940 the Utkal Provincial Congress Committee was dissolved being converted into Satyagraha Committee while dictators were appointed to control and guide the actions of the Committee.

Some of the prominent leaders of the Congress, especially the members of the Gandhi Seva Sangha under the leadership of Gopabandhu Choudury, set out on a campaign of mass propagation. Starting from Bari the congress training centre they marched from village to village explaining the political situation to the people and exhorting them to get ready for joining the movement for independence under the banner of the Congress.

The Orissa Branch of the Muslim League followed steadfastly the policy as outlined by the parent League. They moved to assert the solidarity of the Muslim community and observed 'PAKISTAN DAY' on the 19th April 1940 in obedience to the dictate of the all India Moslem League. On the same day a rival meeting was held at Cuttack by the nationalist Muslims who condemned the policy of Mr. Jinnah in unequivocal terms.

The preparations for Satyagraha commenced in earnest in the Congress and Socialist circles of Orissa in April 1940. The all India Congress Committee directed the Provincial Committee to organise one meeting in every village in a month. The District Congress Committees were required to select a band of active speakers from amongst the active Satyagrahis who were to propagate the Ramgarh resolution and the new Congress policy among the villagers in Orissa.

In a meeting held on the 24th April 1940 at Cuttack the Congress leaders of the Province decided that all active Satyagrahis should spin and push through the sale of Khaddar whereas District Boards, Municipalities and Local Boards under Congress influence were to be utilised in the spread and propagation of the Congress constructive programme. Another part of the Congress reorganisation programme in the Province was the opening of four departments of the Utkal Provincial Congress Committee consisting of :—

1. A programme department controlled by Harekrushna Mahatab.

2. A Harijan department entrusted to Radhakrishna Biswasroy.

3. A minority department under Moulana Muhammad Atahar.

4. A Charkha department in charge of a Sub-Committee.

A training camp of Satyagrahis was opened at Cuttack on the 9th May 1940 to impart necessary instructions to the Congress members enrolled as active Satyagrahis. The political views of Mahatma Gandhi were explained to the volunteers who were initiated into the cult of Satyagraha. Active and passive Satyagrahis in the province numbered 416 and 121 respectively towards the end of May 1940.

During the period the Socialist programme was one of decisive action. The purpose of the Socialists was to attract to their party the important Rightists as well as the wavering Communists. A few circulars issued in June 1940 by Surendranath Dwivedi, President of the Utkal Congress Socialist Party were designed to achieve this purpose.

The anti-war agitation was carried on in Orissa with vigorous earnestness by the united efforts of the Congress, the Socialists as well as Congress sympathisers among the students

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and the Communists. The British Government was blamed by all the parties concerned for the prosecution of the war. People were dissuaded by them from helping the Government in any way in its war efforts either with men or money.

The statement of the Viceroy on the 5th August 1940 made little impression on the political circles in Orissa. A section of Congressmen held the view that the statement marked no advance on the former proposals. This view was supported by Pandit Lingaraj Misra editor of the daily 'Samaj' the local Congress paper founded by the late Pandit Gopabandhu Das. The Working Committee of the Utkal Provincial Congress Committee which met at Cuttack on the 13th August 1940 made an unanimous declaration that the announcement of the Viceroy was woefully short of the minimum demands of the Congress.

The Working Committee of the U.P.C.C. met on the 27th September 1940 to discuss the reorganisation of the Congress party in Orissa. The committee appointed Harekrushna Mahatab as the General Director and entrusted other Congress leaders with the charge of dictatorship for most of the districts in the Province.

An Association called 'Orissa Congress Swarajya Dal' (the Orissa Congress Swarajist Party) was formed in October 1940 with Pandit Godavarish Misra as its President and Dibakar Patnaik as Secretary. The small minority of Congressmen led by Pandit Godavarish Misra held the view that the war measures of the Government should not be resisted by the Congress. The Party now redoubled its efforts to obtain support for the formation of a Coalition Ministry in the Province. The move of the Coalitionists was supported by the Forward Block branch of Orissa.

The Congress leaders of Orissa endeavoured to popularize the new form of individual Satyagraha as evolved by Gandhiji. The Utkal Provincial Congress Committee issued circulars to all district Congress Committees stating that Congressmen were not entitled to make any propaganda against the war or to voluntarily violate the law, except those who were particularly selected by Mahatma Gandhi, for actively executing the programme of Satyagraha. The circular emphasized on the especial duty of each Congressmen and each Congress committee to pursue the schemes of constructive work in right earnest,

e.g. Khadi work, communal harmony, abolition of untouchability, and rural reconstruction. The circular enjoined on the different district Congress Committees to appoint, in advance, dictators to assume the charge of the committees in the event of Congressmen's arrest by the British Government.

The Congress leaders now concentrated their attention on vigorous preparations for Satyagraha in the Province. The extent to which the Congressites of Orissa were enthused over such preparations can be gauged from the fact that 73 p.c. of the M. L. A.'s volunteered to offer individual Satyagraha. The Provincial Satyagraha Committee nominated 40 individuals for the first batch of active Satyagrahis out of whom 27 were selected by Mahatma Gandhi for the purpose.

Nilakantha Das who had lately developed anti-Congress attitude and supported the formation of other nationalist parties in opposition to the Congress tendered resignation from the Congress party in November 1940.

The Servants of the People's Society held their annual conference at Cuttack from the 24th to the 28th November 1940. The conference was attended by the all India leaders like Purushottam Das Tandon, Harihar Nath Sastri and Balwant Rai Mehta. In the conference Tandon explained the origin of the Society which was started by the late Lala Lajpat Rai with the aim of bringing about development in the social, political, cultural, spiritual and economic spheres of the country. He paid glowing tributes to the late Pandit Gopabandhu Das of Orissa for his laudable move in initiating the Society in Orissa. He further explained that the Society had been working according to its avowed policy and programme for the advancement of the status of the people through various organisations, namely, the Kisan Association, Labour movement, Harijan work, agitation of the States' People and the Congress movement. He appealed to the people to build up a united front of all the workers and strive for the attainment of Swaraj through unity and sacrifice. The members of the Society further enunciated the socialistic theories of State control of lands. The ostensible object of holding the Conference in Orissa was to take interest in the affairs of the Orissa States.

CHAPTER V

CHAPTER V

INDIVIDUAL SATYAGRAHA IN ORISSA

The campaign of individual Satyagraha was started in Orissa on the 1st December, 1940. The first batch of Satyagrahis that joined the campaign and courted arrest were the following :—

1. Harekrushna Mahatab, member, A. I. C. C.
2. Sarala Devi, M. L. A.
3. Bodhram Dubey, M.L.A. & ex-minister.
4. Biswanath Das, M.L.A. & ex-premier.
5. Nityananda Kanungo, M.L.A. & ex-minister.
6. Sadashiv Tripathy, M.L.A.
7. Mohan Das, M.L.A.
8. Nabakrushna Chowdhury, M.L.A.
9. Radhakrushna Biswas Ray, M.L.A.
10. Lokanath Misra, M.L.A.

It is evident from the list quoted above that the Congress M.L.As. of the Province were particularly enthusiastic in offering Satyagraha and were keen adherents of the policy as enunciated by Gandhiji at the critical juncture. The people of Orissa watched the developments of the campaign with keen interest and evinced every sympathy for the Congress movement.

The statements of Mr. Amery and the Viceroy in December 1940 with regard to the discovery of a solution to the political impasse in India produced no impression on the Congressites of the Province.

In the opinion of the genuine followers of the Congress, the statements marked no advance from the previous utterances of the Viceroy and the Secretary of State for India, as they failed to find in the announcements any trace of real willingness on their part, to remove the political deadlock existing in India. They definitely looked for a genuine gesture from the British Government for an effective solution of the political problem.

Numbers of Satyagrahis continued to sacrifice their liberty and court imprisonment. The campaign was, however, mainly confined to individual Satyagraha. There was no "batch

Satyagraha" in any place except in Koraput district where a number of persons broke the law simultaneously in different villages on the same date.

The Satyagrahis who participated in the campaign after those who offered Satyagraha in December 1940 were mostly inconspicuous in the political field. Referring to the programme of Satyagraha as carried out in the Province in January, 1941, the official report dated 13th January 1941 records as follows :—

"The programme in this Province seems to be to send to jail first the non-entities who have been persuaded to help the Congress cause, while those with more intelligence (and possibly less faith) curb, their enthusiasm in order to continue propaganda and see that all nominees perform the task for which they have been selected. Such unselfishness of the leaders, may not be entirely disconnected with the underlying belief, that the Satyagraha movement will not last long but that an agreement between the Government and the Congress will be reached".

The Satyagraha campaign that was now conducted had quite novel features and was sharply distinguished from the mass Satyagraha conducted at other times. Those Congressites who fulfilled all the required points demanded by Gandhiji could be enrolled as active Satyagrahis, who further were expected not to possess any financial or domestic obligations. The Satyagraha was absolutely individual in form and batch. Satyagraha in any shape was totally disallowed by the Congress. The Satyagrahis were strictly required to refrain from any speech-making and not to combine their Satyagraha programme with any public utterances. They were only to shout slogans while offering Satyagraha and thus court arrest.

The instruction of Mahatma Gandhi to the Satyagrahis was to continue to transgress the law after being released from the prison. As a final demonstration against the alien authority they were instructed to march towards Delhi and repeat their slogans periodically until they were again arrested.

Persons who could not offer Satyagraha but leaned towards the Congress ideology, devoted themselves to constructive work in different centres. They visited villages and acquainted the people with the position of the Congress.

A number of Youth leagues were formed in several villages in the Province with the object of advancing village welfare work and settling petty village disputes. In the majority of cases, the Leagues were sponsored by local Congress sympathisers. The Leagues carried on activities on the Socialist and Communist lines, their aim being to combat capitalistic concerns and to improve the lot of the peasants. A number of *Sevak Sanghas,* too, sprang up in different parts of the Province in order to carry out the Congress programme. The *Sanghas* were mostly identical with the Youth Leagues in their aims and activities.

Certain elements in the Congress and other political circles of Orissa had no faith in the Satygraha movement and Gandhiji's leadership. Chief among the leaders harbouring anti-Gandhi views were Pandit Nilakantha Das and Dibakar Patnaik. They belonged to the Congress Swarajist Party and indulged in propaganda against the Right-wing of the Congress. Pandit Das interpreted the Satyagraha movement as a selfish electioneering campaign designed by the leaders of a party which was losing the faith of its adherents. He propagated among the public regarding the futility of the Satyagraha movement and advantages to be derived from the formation of a coalition ministry.

M. N. Roy paid a visit to Cuttack on the 27th January 1941 on which occasion a meeting was held under the presidentship of Pandit Nilakantha Das to accord him honour. Addressing the gathering Roy advocated India's participation in the war and advanced reasons for this. He explained that India was afforded an opportunity by the war to become industrialized and militarized in order that she would be strong enough at the termination of the war to achieve independence. He further asserted that there was practically no difference between the Coalition Ministry that he advocated and the National Government demanded by the Congress. The views of Roy were supported by Nilakantha Das.

At the time the Students' Federation of Orissa was divided into two ranks styled respectively as National Front and Forward Block. Considerable rivalry existed between the two groups who criticised each other's policy and issued press statements condemning the activities of each other. The National Front was guided by the leadership of M. Farroqui whereas the Forward Block acknowledged M. L. Shah as its bonafide leaders.

Enthusiasm for Satyagraha gradually waned in the Province towards the beginning of March, 1941. Enumerating the reasons for the decline in the progress of Satyagraha, the official report of Orissa dated the 7th March, 1941 is as follows :— 6

"Satyagraha is not flourishing, and Congress mandates are responsible for this as much as Government's policy. Gandhi's decree, that convicted Satyagrahis must continue their demand for reincarceration whenever they are out of jail, has been a blow to those who stepped on to the public platform, during the first flush of enthusiasm. Several of those who now discover that they had unwillingly pledged themselves to this course point out that the Congress ministers and M.L.As. did not subscribe to the same pledge and are evidently not required to undergo more than one spell in prison as Satyagrahis.

It is perhaps this realisation of Congress policy which has recently led to quite a number of resignations from the Congress of those who found place in the approved Satyagrahi list and also from the Provincial Congress committee. Some Congress members of local bodies who should automatically become Satyagrahis decline to sacrifice their liberty and it is possible that all such members will soon be asked to resign."

The Government authorities generally ignored the unimportant persons who offered Satyagraha, they being not arrested by the police. This resulted in the waning of enthusiasm among the Satyagrahis. The Government policy was to prosecute the leaders who encouraged Satyagraha without offering it themselves. This caused considerable apprehension among the Congress adherents. In consequence of such a policy of the Government the Congress decided that no worker must deliver public orations in praise of those who volunteered to offer Satyagraha. A new plan was devised by the Provincial Congress Committee for the prosecution of the Satyagraha campaign. According to the plan a Satyagrahi in the event of not being arrested in the first instance was to move from his village to the nearest police station, from there to the subdivisional headquarters and finally to the Provincial headquarters shouting anti-war slogans. They were also to explain to the people that the Government had realised its mistaken policy and advise them not to subscribe to the war fund. Before starting on such a move the Satyagrahis concerned were required to issue a notice to the Government intimating about

their fresh resolve. The Satyagrahis were to endeavour to court arrest within court compounds, railway stations, towns and other places which would provide suitable opportunity for large congregations of people. The Satyagrahis were further required to explain to the people the anti-war views of the Congress and to carry on anti-war propaganda from house to house during their march.

The *ryots'* agitation against the Viceroy's rejection of the Madras Estates Land Act Amendment Bill, continued with full vigour during the period in the district of Ganjam. They held out a warning to the Government to the effect that it would have to face a terrible situation in case their grievances were not redressed. The Ganjam District Congress Committee took up their cause protesting against the rejection of the bill and appealing to the Government to appoint an official committee to enquire into the suggestions made by the Viceroy.

The students belonging to the National Front group were particularly active in their agitation against British imperialism and favoured the idea of launching a country-wide campaign against government repression in order to combat imperialism within the Province. They felt that in the critical juncture in which the world was placed on account of the Great War, the students had to unite and fight against all disruptions. They exhorted their fellow- students to take their due share in the common fight for the achievement of freedom. They considered British imperialism as struggling for its own preservation and as such incompetent to meet the demands of the Indian National Congress. They further deprecated the policy of the Congress, which in their opinion was compromising in its attitude that was of no practical avail. They held a conference on the 8th and the 9th March 1941 at Cuttack under the Presidentship of Satyendranath Mazumdar, an ex-editor of Ananda Bazar Patrika and resolved to unite and start a campaign against all repressions in order to fight against imperialism within the bounds of Orissa.

Side by side with the agitation against the war and British imperialism, the Congress programme of constructive work was carried on by the genuine Congress adherents, especially the members of the Orissa Gandhi Seva Sangha. The constructive programme as executed by them comprised of removal of untouchability, use of khaddar and the expansion of the basic system of education.

The All India Congress Committee issued certain instructions to the Satyagrahis in March 1941, according to which Satyagrahis undertaking house to house propaganda were warned against any conduct that might amount to picketting or trespass. They were further prohibited from offering Satyagraha in the areas where section 144 Cr. P. C. was promulgated. Satyagrahis who were not arrested, were to be distinguished from those who had not offered Satyagraha, by some distinctive mark as badges. These instructions were with reference to the programme of 'march to Delhi'.

In order to reinforce the movement of Satyagraha in the Province, fresh instructions were issued in the form of a circular by the Utkal Provincial Congress Committee to all District Congress Committees in May, 1941. The main points of the circular were as follows :—

1. "Released Satyagrahis should continue to offer Satyagraha on release from jail. If not arrested, they should not return to their homes, but should move about shouting anti-war slogans and doing constructive work.

2. Intending Satyagrahis should be judged by their constructive work on which further recruitment depended.

3. In order to popularise the Satyagraha movement, intending Satyagrahis should first do constructive work in the areas in which they intended to offer Satyagraha.

4. Constructive work might include

   (a) sale of khaddar, (b) propaganda and instructions in spinning in the villages, (c) teaching Harijan boys and opening night schools for adults, (d) enrolment of Congress members, and (e) village sanitation."

The problem of revivifying the movement of Satyagraha in Orissa engaged the attention of the leading Congressites of the Province. The executive members of the Provincial Congress Committee, the District Congress Committees and the workers of the local bodies met at the Swaraj Ashram, Cuttack from the 2nd to the 4th May, 1941 with a view to devise ways and means for reinvigorating the campaign of Satyagraha. It was decided that Congress workers in the interior should carry on organisational work in their respective areas, and that workers should

endeavour to form intimate contact with the masses and urge them to take to spinning and the constructive programme of the Congress. The workers were further required to explain to the masses about the political situation of India and the developments of the world war. The plan of action as indicated above was expected by the Congress leaders to bring about a revivification of the Satyagraha movement and greater support from the masses for the same.

Move for Coalition Ministry (1941)

Efforts to form a Coalition Ministry were made in May 1941 under the leadership of Pandit Nilakantha Das and Pandit Godavarish Misra. Eight Congress M.L.As. including Sarala Devi supported the move for the formation of such a Ministry.

The States' People's agitation was continued with undaunted enthusiasm during the period. The '*Byabastha Parishad*' that was set up by the Rulers' party was denounced by the Talcher Prajamandal and the Darbar was condemned for its failure to abide by its promises and declarations. The Chief of Talcher had not been faithful to his promise regarding the constitution of the '*Byabastha Parishad*' for which he received hostile criticism from the Prajamandal. The Chief did not permit the Parishad full particpation in the administration of the State but merely allowed the members to act as his counsellors. This was quite unacceptable to the Prajamandal as it went against its hopes and aspirations and was contrary to the terms of the Chief's declaration.

The subjects of the State expressed no faith in the members of the '*Parishad*' either elected or nominated.

Peasants' Agitation against the Zamindars

An agitation was carried on in the district of Ganjam against the zamindars on account of the tortures inflicted by the latter on the peasants. The agitation of the peasants' organisation especially centred round the Madras Estates Land Amendment Act Bill, which had been rejected by the Viceroy. The action of the Viceroy in rejecting the bill was condemned as most unconstitutional as it placed the bulk of the ryots at the absolute mercy of the zamindars. The peasants' conference held at Polosara in Ganjam District on the 7th June 1941 appointed a delegation to wait on the Viceroy to acquaint him with the grievances of the ryots.

Peasants' Agitation in Parlakimedi

The peasants of Parlakimedi in the district of Ganjam were most vociferous in claiming their legitimate demands and fought ardently agiest the rejection of the above-noted Bill. They condemned the Defence of India Rules for crushing the liberty of the people and resolved to settle their disputes through village *Panchayats.* In a conference held at Lingapur, P.S. Parlakimedi on the 4th and the 5th June 1941 they made a fresh resolve to fight against the tyranny of the zamindars as also against Imperialism, Nazism and Fascism and to establish Socialistic form of Government in the country.

Peasants' move against Capitalism and Imperialism

The theory that imperialists and capitalists were mainly responsible for the miseries suffered by the peasants was widely popular among the peasant leaders. The agents of Imperialism and Capitalism were further blamed for dragging the peasants and workers into the war and the prevailing system of administration was condemned as crushing the fundamental rights and civil liberties of the *Kisans.* In a conference of the All Utkal Provincial Peasants' Association held at Khurdha on the 8th June 1941 the peasants condemned the Government for its rejection of the Madras Estates Land Act Bill as it allowed the zamindars to continue their acts of oppression. The conference exhorted the *Kisans* to start a country-wide agitation against the tyranny of the zamindars under the leadership of the Provincial *Kisan Sangha.*

Congress reaction against the move for Coalition Ministry

The move for the formation of a Coalition Ministry in the Province was strongly resented by the genuine adherents of the Congress. The move was all the more regretted in the fact of the crisis through which the country was passing and when communal riots played havoc in places like Dacca, Ahmedabad and Bihar. A '*Santi Sena*' or Peace Army was formed in the Province being sponsored by the Congress leaders and with the object of maintaining peace in the country. The Utkal Provincial Congress Committee issued a circular urging on the intending Satyagrahis to join the '*Santi Sena*' and requesting the public and the Congress workers to enlist in the same.

Visit of Babu Rajendra Prasad and Kripalini and its effect on the agitation

The anti-war agitation received a fresh impetus by the visit of Dr. Rajendra Prasad and Acharya Kripalini to Orissa on the 22nd June 1941. Dr. Prasad strongly advised for a vigorous resistance of war efforts and enunciated three principles to be followed by the people in order that the country might achieve independence. These were unity, discipline in the Congress and full confidence in Gandhiji's leadership. Commenting on the Pakistan proposal Acharya Kripalini stated that India could not be partitioned and that peace in the country would remain a mere dream unless India was indissolubly one.

Formation of National Brigades

The Orissa Branch of the Forward Block renewed its activity in August 1941 by resolving to start the formation of national brigades in Orissa in order to fight against internal chaos and external aggression.

Government Policy towards Satyagrahis and Congress plan to counteract the same

The Government policy of ignoring the unimportant Satyagrahis resulted in the disappointment and discouragement of spirit on the part of such Satyagrahis. In order to revive enthusiasm among the Satyagrahis of this class the Congress leaders hit upon a plan in August 1941 by which they proposed to start several centres where the ignored and unarrested Satyagrahis were to be entrusted with constructive work while carrying on anti-war propaganda in the villages. It was also decided in a confidential meeting held at Soro Congress office in the district of Balasore on the 3rd August 1941 to divide the district into several unions, each in charge of a Satyagrahi. The Satyagrahi concerned was to tour through the villages in his union and conduct constructive work, enrol Congress members as well as maintain Hindu-Muslim unity. Further he was to carry on anti-war propaganda from door to door in his role of a Satyagrahi.

Expulsion of Nilakantha Das from Congress

Pandit Nilakantha Das incurred the displeasure of the Utkal Provincial Congress Committee for his propaganda against Gandhiji's policy of non-violence and in favour of participation in the military efforts of the British. He was asked by the U.P.C.C. to submit explanation for his conduct and to resign from the Central Assembly. Pandit Nilakantha Das refused to

resign from the Central Assembly. He was, however, expelled from the Congress organisation with effect from the 7th August 1941.

Reaction of Hindu Mahasabha agaist Muslim atrocities.

The high handed behaviour of the Muslims during the riots at Dacca and in other parts of India was strongly condemned by the All Utkal Hindu Mahasabha which criticised the policy of non-violence of the Congress and advocated assistance to the government in its war efforts as well as enrolment of Hindu youths in the army. In a meeting of the Hindu Mahasabha held at Cuttack on the 15th September 1941 the President Dewan Bahadur Srikrishna Mahapatra and Monoranjan Choudhury, the Hindu Mahasabha leader from Bengal, explained the national character of the Hindu Mahasabha and observed that "the Hindu Mahasabha identified itself with the national life of Hinduism in its entirety, in all social, economic, cultural and above all, political aspects and is pledged to protect and promote all that contributes to the freedom, strength and glory of the Hindu nation; and as an indispensable means to that end, to attain absolute political independance of Hindusthan by all legitimate and proper means." Choudhury asserted that the objects of the Hindu Mahasabha were attainment of freedom and democratic government of the country. He explained how the amalgamation of the Congress with Khilafat Movement gave rise to communal award and condemned the scheme of Pakistan as chalked out by Mr. Jinnah. He recommended the the Hindus to utilise organisations such as '*Rama Sena*' and '*Mahabir Dal*' for advancement in military power. He stressed the need of the formation of a national militia in every district and for the protection of the legitimate interests and rights of the Hindus.

Public reaction against the statement of Churchill

The declaration of Mr. Churchill that the political freedom promised to oppressed nations by the Atlantic Charter did not apply to India, created strong resentment and hostile criticism among the political and intellectual circles including the Moderates as well as the Muslims. All parties cherished the desire of political freedom of India in a considerable measure after the termination of the war. But the general impression was that India would not be granted any measure of freedom so long as Churchill was in power.

Suspension of Satyagraha Campaign

The Satyagraha campaign was temporarily suspended in December 1941. Imprisoned Satyagrahis ,who were released from jails were enjoined by the Congress to concentrate on the constructive programme of Gandhiji.

Formation of coalition ministry

The coalition ministry was now formed with the Maharaja of Parlakimedi as premier, Pandit Godavarish Misra and Maulavi A. S. Khan being the other members of the cabinet.

Support of the coalition ministry

A certain section of the public hailed the ministry with joy and congratulated the ministers on being successful in the formation of a party and for ending the deadlock created by the Congress. To the Congress criticism, that the ministers betrayed their constituencies they retorted by alleging that the Congress had done the same while resigning office without consulting the opinion of the people whom they represented.

General reaction against the coalition Ministry

The general reaction of the public, however, was strongly hostile to the formation of the coalition ministry. The public recorded its emphatic protest against the ministry in meetings held in the different places throughout the province. The Muhammedans of Cuttack, too, criticised the policy of the Muslim M.L.As. in supporting the coalition ministry and declared that it was detrimental to Islamic rights and prestige.

United Party's defence for the formation of coalition ministry

By way of explanation for the formation of the coalition ministry, the members of the United Party declared that their party had formed the ministry in order to help defend India against foreign aggression and that assistance in the war efforts of Britain was a means to that end. The policy of the Coalition Party, however, evoked strong criticism from the rank and file of the Congress as the latter stood for non-cooperation with the British in the prosecution of the war. The coalition ministry inspite of its unpopularity conferred a real boon to Orissa by passing the Utkal University Act for which the late Pandit Godavarish Misra will ever be remembered.

The Congressites' and Communists' change of attitude towards the war

The attitude towards the war on the part of the Congress, the Communists and the students underwent a drastic change in January 1942 as the latest developments in the situation of the war heralded danger for India. A quiet campaign was started by students returning from the Patna All India Students' Federation conference in support of Britain in its war efforts. The Communists made a new move to support the British power in the war as they believed that Communism in India would suffer a great set back and the peasants left helpless in the event of India's defeat in the hands of the Fascists. They suspected the Forward Blockist as Fascist agents and condemning them as enemies of the country, made a vigorous propaganda for assistance to the British in the war efforts.

Congress move for peace and order

The Utkal Provincial Congress Committee in its session held on the 10th and the 11th January, 1942 decided to concentrate on the maintenance of internal peace and order in the country. It viewed the formation of the coalition ministry at this juncture with the greatest disfavour and formed a committee to devise means of breaking the ministry and of winning back to the Congress those M.L.As. who had joined hands with the Coalition party. It called upon the Congress seceders in the coalition ministry to resign from their constituencies as they had abused the latter's faith in them. It further resolved that Provincial and District Satyagraha Committees should be dissolved and the Provincial Congress Committee with Radhakrishna Biswas Roy and Naba Krishna Choudhury as president and secretary respectively be revived. It enjoined upon every Congress worker to concentrate on constructive work in his respective area. Formation of volunteer corps in rural areas as a National Defence Brigade was proposed to be started in order to protect people from the dangers of war. After a discussion on the Bardoli resolution the committee agreed to support the policy as enunciated by Mahatma Gandhi.

Congress repression by coalition ministry

A number of Congressmen were prosecuted for prejudicial speeches in January 1942 as a result of which the Orissa Congress denounced the coalition ministry with the remark that the ministers employed every possible means to reduce opposition in the Assembly. The Congressites grew vehement

in their agitation against the ministry and held a number of meetings in different places where they condemned its policy in unequivocal terms.

Congress move to break the ministry

The Congressites further tried to win back to their party some of the coalitionist M.L.As. and attempted to bring a vote of no confidence against the ministry. In order to aid the Congress in its attempt to break the ministry Harekrushna Mahatab published a weekly journal entitled '*Rachana*' the first issue of which appeared on the 26th January 1942.

Congress move for peace

A committee was formed for enrolment of '*Santi Sena*' (Peace Brigade) in Balasore on the 25th February 1942 under the initiative of Harekrushna Mahatab. It was also proposed by the Congressites to form 24 sub-committees to be known as helping committees. The committees were entrusted with the duty of helping the '*Santi Sena*' volunteers in the event of internal disorder in the district of Balasore.

The advance of Japanese aggression near India created a consternation among the public. Popular opinion was in favour of immediate transfer of responsibility to Indian hands and for return of Indian troops to India for defence of the country.

Apprehension about Japanese aggression

A popular belief was current in the province in February 1942 that Japanese attack was imminent in India. The fall of Singapore in the hands of the Japanese had a deteriorating influence on the public morale. It further led to the assumption that Britain and the Pacific powers were not strong enough to protect either Burma or India from Japanese aggression.

Congress policy for civil defence

The Congress agitation in the province was considerably modified in its policy and tone as the apprehension of Japanese invasion became more and more pronounced. Some of the leaders in Congress circles advocated co-operation with government measures for civil defence as they considered that maintainence of peace and order was the chief necessity of the hour. They considered developments in war in the Far East and

decided to take prompt measures to establish contact with the masses and to form volunteer corps in order to maintain order and remove panic among the people. Accordingly, volunteer corps were organised in certain centres and its members were instructed to patrol their areas in order to prevent chaos and crime. The Congress leaders exhorted the people to safeguard themselves against the approaching dangers of war by joining the '*Santi Senas*' and to devote greater attention to constructive work. Thus the Congress considered that its role at the moment was to preserve the morale of the people and worked according to that principle.

Communist policy to combat Fascism

The war efforts of the British were now vigorously supported by the Communists of the Province in order to combat Fascism and preserve the interests of Communism in the country. It appears from the following official remarks that the secret object of the Communists was the militarization of their party and dissemination of Communistic ideas among the army and factory workers while their declared aim was to assist the war efforts in pursuance of their anti-fascist policy.

"The view expressed by a prominent Communist and *Krushak* worker of this province on the C.P.I's recent declaration should not be taken at its face value." "The secret object of the Communists," he opines, "is to enlist the people in the various branches of the army as combatants, war technicians etc., in order to cause dissension among the troops and factory workers by inculcating in their minds the doctrines of Communism."

Congress programme for civil defence

The attention of the Congress was particularly directed towards protection of the country from the invasion of the enemy and prevention of disorder consequent on any raid. A circular issued in April 1942 from the All India Congress Committee, explained the Congress programme to comprise of two chief purposes, namely, self-protection, *i.e.*, protection against air-raids and internal disorder and self-sufficiency. Referring to the question of self-protection it warned publicmen, against associating with the government organisations, as the latter lacked popular appeal and support. The people were, however, instructed not to obstruct the work of such organisations unless

they were hostile to the policy enunciated by the Congress. Regarding the question of maintenance of order the circular suggested that the Congress volunteer organisations would allow unrestricted admissions to all persons who believed in the pursuance of a peaceful method.

Congress move for defence

The necessity of formation of village defence committees to defend the villagers against Japanese aggression and fight in close co-operation with the government was now emphasised by the Congressites as well as the Communists. At the same time an agitation was set afoot to demand the following :—

1. Release of all anti-fascist leaders.
2. To set aside ordinances which interfered with the civil liberties of the people.
3. To permit the formation of village defence corps.
4. To supply arms to Indians for their defence and to train them in guerilla warfare.
5. To abolish illegal taxation on peasants.

Congress drive for mass morale

An organised drive was made by the Congress in order to establish intimate contact with the masses with the object of improving the morale of the people in the event of foreign aggressions. Before this, Congress propaganda consisted in advising the people to protect themselves in the event of internal chaos. From now on the propaganda was directed towards resistance to external aggression and opposing the invader by a policy of denial on a small personal scale.

Cripps' offer and its rejection by Congress

The offer of Sir Stafford Cripps was rejected out-right by the Congress as the terms contained in the offer could not satisfy the legitimate aspirations of the people and the Congress. The Congress rejection of the offer was supported by the staunch adherents of the Congress, whereas the Moderates and other political circles expressed disappointment at this turn and blamed the Congress for not availing the opportunity afforded by the offer. The official report dated the 15th April 1942 is as follows :—

"The rejection by Congress of Sir Stafford Cripps' offer is believed to have disappointed not a few of the local Congress

workers, while the majority of those thinking people who are not staunch Congress supporters denounce the attitude of the Indian leaders, in failing to take this opportunity to cooperate. Some have again hinted that Congress is still sitting on the fence until it can be quite sure which countries will emerge victorious from this war."

Cripps' Mission and its failure

Explaining the implications of the Cripps offer, Biswanath Das, ex-premier of Orissa declared in a meeting held at Jharsuguda in the district of Sambalpur on the 6th May 1942 that Sir Stafford Cripps was sent to India by the British government for a solution of the Indian political problem as the world public opinion was tremendously influenced by the arrest of Satyagrahis after the outbreak of the war. But the Cripps' Mission proved a failure as the British government did not want to transfer real power to the Indians in respect of defence. Das further explained the plan of action as outlined by the Congress, that enjoined the Indians (1) not to assist the Japanese, (2) to organise defence committees in villages, (3) and to encourage local production in order that the possible failure of foreign imports might not cause distress.

Opening of training centres

In accordance with the Congress plain of action a number of training centres were opened by the Congress in several parts in order to train workers in self-protection, self-sufficiency and first-aid, as well as methods of constructive programme.

Government measures of propaganda

Measures were initiated by government in order to allay the misgivings of the people caused by the apprehensions due to war. A number of police cooperation committees were started for carrying on pro-government propaganda among the people. These committees worked in close collaboration with the government sponsored watch and ward committees and imparted government instructions to the public.

Public reaction against coalition party

The Orissa coalition ministry became rapidly unpopular and public support for it greatly declined towards June 1942, the consensus of opinion being in favour of its discontinuance as it was in a decided minority.

Issue of acceptance of non-violence by the Congress

There was apprehension of a serious split in the Congress circles on the issue of resistance to external aggression. A considerable proportion of the Congress leaders advocated the theory that violence ought to be resorted to in the event of external aggression as the creed of non-violence could only be effectively pursued during periods of peace. Other leaders, however, who were staunch supporters of the creed of non-violence, resisted this idea by all means and remained faithful to their accepted principles.

Mahatma's policy of non-violence

Mahatma Gandhi insisted on the strict adherence to the principle of non-violence even in the face of enemy's aggression. In reply to certain querries from the Congressmen of Orissa, he clarified the issue by pointing out that the people should be non-violent in their attitude and conduct when confronting invasion from outside and that they should form unarmed volunteer corps in order to meet such situations for purpose of defence. He advised the Congressites to oppose resistance from the government in the matter of formation of the volunteer corps.

A number of fresh constructive centres were opened in different places in June 1942 in order to carry on the work of village reorganisation and constructive work.

Muslims move for national guard

Nawab Ismail Khan, Choudhuri Khaliquat Zamam and Muhammad Isa Khan of the All India Muslim League Defence Committee arrived at Cuttack on the 15th May 1942 and got into touch with the prominent Muhammedans of the town. A branch of the defence committee was formed with late Khan Bahadur Ahmed Bux, M.L.A., M. A. Jalil and Syed Wajid Ali as members. The objects of the Pakistan scheme were explained by the visitors who exhorted the Muslims to form branches of the Muslim League in every part of the province with a view to safeguarding the interests of their community. They appealed to the Muslim youths to enrol in the guard. They invited the Congress to co-operate with the League and work shoulder to shoulder for the attainment of India's independence.

Propaganda by Miss Mira Ben in Orissa

Miss Mira Ben toured through Orissa during May and June 1942. She explained to the Congress workers of the

province the policy of Gandhiji as distinguished from that of the All India Congress Committee in regard to the question of non-violent resistance to the aggressor and absolute non-co-operation with the British. Referring to the war situation and the dangers and difficulties which the countrymen were expected to undergo, she advised the people to adhere to Gandhiji's programme of self-protection and self-sufficiency. Harekrushna Mahatab who accompanied Miss Ben during her tours exhorted the people not to render any assistance to the aggressor and to form village defence committees even though it brought about conflict with the authorities. Mira Ben explained that no fundamental differences existed between the policy as enunciated by Mahatma Gandhi and that adopted by the All India Congress Committee except that Gandhiji was intent on starting a more positive form of non-violence. She suggested that Orissa was in imminent danger of being invaded by the Japanese in which event it would not be defended by the military and that normal administration would abandon cease as government officials would their posts in the case of the enemy's attack. She pointed out that Congress intended to build up a system which would be competent enough to take over the administration with a view to protect the people in the event of aggression. The public of Orissa expressed their intention to abide by the decision of the All India Congress Committee. They agreed to raise a private volunteer corp for national defence irrespective of any government decision on the issue.

Students' move for defence committee

The formation of a defence committee at Cuttack was also contemplated by the Communist group of the All Utkal Students' Federation. After the enrolment of the required number of members, the Federation intended to move the government to appoint an expert to train them in the methods of civil resistance to the enemy. The Federation decided to send representatives from Orissa to join the guerilla warfare training camp at Lahore.

Politicians' attitude for support of British in war

The general tone of politics in all or most of the important circles was now in favour of cooperation with the British in its war efforts. It is interesting to note that the Congressites and Communists who advocated non-cooperation with the British in the war a few months back and courted imprisonment for

cherishing and propagating such a policy, now changed their outlook and urged for support of the war efforts of the British government. The Communists held the view that Russia being a country of peasants and workers should receive the whole-hearted sympathy and support of the people of India as the former was invaded by fascist Germany. They exhorted the people to stand in united strength and emulate the example of the Chinese in offering a stable resistance to the enemy. They urged on the British to support the Indians with necessary arms and ammunitions in order to defend the country against foreign aggression.

Congress move for national administration

In consideration of the possibility of outside aggression the special effort of the Congress at the time was directed towards preparing the masses, for accepting Congress administration in any area affected by foreign invasion. The official report dated the 23rd June, 1942 states as follows:

Object of Gandhi's Policy

"From some quarters it is reported that Mr. Gandhi's present policy is directed to so influence the masses that they will readily submit to Congress administration in any area evacuated by the government at the time of an enemy invasion, even if the period between the removal of government and the occupation by the enemy be for a day. If this report is correct, it might indicate that Congress is preparing to protect itself against another political party usurping power in the event of government administration being weakened."

Continuing the comment on the political situation of the time in another official report, dated the 20th July, 1942 it is stated as follows:—"Most people believe that Mahatma Gandhi is reverting to his old threat by adding to Britain's embarrassment at a time when he thinks she is weak and fully occupied in other theatres of war. The Mahatma's thoughtfulness in giving Britain time to think over his ultimatum, is explained by the fact that Congress has not the power to start a mass movement immediately but wants public attention being focussed on itself until it can carry out propaganda and prepare the people for an united effort."

CHAPTER VI

CHAPTER VI

THE MASS CIVIL DISOBEDIENCE MOVEMENT IN ORISSA

We shall now try to trace the course of the mass civil disobedience movement in Orissa.

Public reaction over the A.I.C.C. resolution

The resolution of the Working Committee of the All India Congress Committee in July 1942 at Wardha regarding the withdrawal of the British from India led to the general impression that a Civil Disobedience movement would be launched in the country. The bulk of the Congressmen in Orissa were firm adherents of Gandhiji's policy and expressed their preparedness to support any move initiated by Mahatma Gandhi. The Congress workers carried on a vigorous propaganda in order to prepare the masses for the proposed mass movement.

Communists' attitude towards the new move of the Congress

The Communists of the Province were yet undecided as to the part to be played by them in another non-co-operation movement sponsored by the Congress. The view of the majority of Communists was, however, in favour of helping any movement directed against British imperialism. They realized that the masses would unhesitatingly follow the leadership of Gandhiji in any of his ventures and that any party offering opposition to him, would lose the sympathy of the public. In such an event they would not be in a position to explain the war as a 'People's war' as they would be condemned as being responsible for impending a people's movement.

Socialists' attitude towards Gandhiji's Move

The Socialists of the province appreciated the new move initiated by Mahatma Gandhi and pledged their support to his leadership. Ram Nandan Misra, the organising secretary of the All India Congress Socialist Party visited Cuttack on the 22nd July 1942 with the object of studying the local political situation. His object too, was to convey a message sent by Acharya Narendra Deo for the guidance of the local Socialist. The message of Narendra Deo appealed for support of the new move started by Mahatma Gandhi. Explaining the aim of the Congress Socialist Party Misra stated that the party

intended to liberate the people from the exploitation of British imperialism, capitalists and zamindars and to eradicate the evils of exploitation of class by class and race by race. He asserted that attainment of independence for India would be quite possible after the removal of the system of economic imperialism. He further declared that the Socialist Party had taken up the scheme of revolutionary transformation of the country in order to achieve the economic liberation for India. The visit of Ram Nandan Misra had a salutary effect on the Congress Socialist Party of Orissa and its activities were intensified in consequence.

Peasants' reaction to Gandhiji's policy

The peasants of the province, too, accepted the leadership of Mahatma Gandhi under the guidance of the Utkal Provincial *Kisan Sangha* and started an agitation for the formation of national government and equipment in arms and ammunition.

Instructions of Gandhiji on the 'last struggle'

Instructions of Mahatma Gandhi concerning the 'last struggle' began to be secretly circulated in manuscript leaflet form in the different parts of Orissa towards the beginning of August 1942. All Indians were enjoined by Mahatma Gandhi to consider themselves as citizens of Free India. Gandhiji's instructions at the time were to the following effect:—

(i) To demolish the prevailing system of government by establishing *Panchayats.*

(ii) To form an army of peace under each *Panchayat.*

(iii) To disregard the orders of the existing government.

(iv) To indulge in illegal acts such as non-payment of rent, cutting forests, manufacturing salt etc.

(v) To demand zamindari lands for the peasants and seize those which were not surrendered voluntarily by the zamindars.

(vi) To demand excess paddy, corn, etc. from zamindars and seize forcibly that which was not.

(vii) To boycott all persons who used force against Congress agitators or who purchased Congress property.

Reaction of Political parties to Gandhiji's programme

The programme and policy as adopted by Mahatma Gandhi was accepted by all the parties of Orissa except the Swarajists and the Radical Democrats. The Communists of the province wavered for a time on the question of the acceptance of Gandhiji's policy. There was also a split in the groups of the Utkal Students' Federation on the very question as some were followers of the Congress ideology whereas others were inclined towards the principles of Communism. Subsequent developments, however, resulted in the combination of the two groups who made a united stand to support the campaign initiated by the Congress.

Demonstrations against government measures of repression

The government measures taken against the Congress and the arrest of the important leaders in August 1942 considerably agitated the political circles of Orissa including the Communists, the Socialists, the Forward Blockists and the Student Federationists who combined together to lend their support to the national cause and demonstrated protests against government repressions. The demonstrations as such appeared in the form of strikes, hartals, protest meetings and pasting of menacing posters on the walls. These demonstrations were undertaken on a small scale at first as the political parties of the province were taken aback, by the sudden and unexpected arrest of the leaders and required time to decide on a concerted programme to be put into action. Reviewing the political situation in Orissa at the commencement of August 1942, the Orissa official report dated the 15th August 1942 stated as follows :

"The government measures against the Congress have so far had no serious repercussions in this province. With their leaders arrested unexpectedly local Congress workers are uncertain about the policy to adopt and some time will be spent on deliberations before any concerted programme is developed and put into action. There have naturally been demonstrations such as partial strikes in schools, hastily arranged protest meetings at which some objectionable speeches have been made, temporary and partial hartals at one or two places and threatening posters posted on walls surreptitiously, but all have been on a small scale and are confined to the larger towns. People in the interior districts have not yet grasped what is going on. The arrest of Congress leaders appears to have

induced the so-called Communists, Socialists, Forward Blockists and Student Federationists of this province to give their support to the Congress cause. Workers from these parties are concentrating on propaganda amongst students."

Starting of Civil Disobedience Movement in Orissa

The Civil Disobedience Movement in Orissa developed in vehemence towards the latter part of August 1942. A serious agitation ensued throughout the province in open defiance of the government authorities; acts of violence being the characteristic feature of the movement that took place during the period. The arrest of the acknowledged leaders of the country roused strong resentment on a mass scale. The measures taken against the Congress as an organisation, intensified the smouldering hatred of the people against the British government. The masses were further led to believe by the instructions of the local leaders that Swaraj was an accomplished fact and thus they could indulge in acts of lawlessness. Thus the people broke all bonds of restrictions, hurled open defiance at the authorities and resorted to acts of lawlessness which they hoped would result in the attainment of their cherished goal. Instances of arson, looting and acts of sabotage became more and more frequent among unruly mobs in different places of the province while demonstrations against the authorities were organised by the students from time to time. The security and other political prisoners in jails expressed their determination to violate the jail regulations and proceeded to incite the convicts to indulge in acts of indiscipline in order to create disorder and undermine authority in the jails. Thus a country-wide movement was started in the province challenging the authority of the British government and creating terror in the minds of the officials consequent on the arrest of the Congress leaders and declaration of the Congress as an illegal organisation.

The following instances are cited in particular to give in brief details a picture of the movement that took place in Orissa during the period.

August Revolution in Koraput District

The August movement took the most vehement form in Koraput district. After the arrest of Congress leaders and the declaration of the Congress as an unlawful organisation, less prominent Congressmen entered into the interiors of the district

and moved among the aborigines inciting and inflaming them against the authorities. The aborigines were easily incited into mob fury against the British authority and threatened to demolish all government institutions and to indulge in acts of violence. The movement was initiated in Koraput by two boys at Jeypore carrying Congress flags who on the 13th August, 1942 read out a message alleged to have been received from Gandhiji contained in a cyclostyled leaflet that was posted to the district from Bombay. The Congressmen arranged hartals and started no rent campaigns preaching among the people that the country was no longer ruled by the British. People were inspired by the message delivered by the Congressmen and determined never to rest till the release of Gandhiji from jail. Acts of violence including arson, looting, rioting and sabotage spread in the district on a large scale. On the 16th August, 1942 Congressmen assembled in force at certain shandies, or market places of the district which resulted in the arrest of the principal agitators. On the same day about 1000 persons attacked the *taluk* office whereupon their leaders were arrested. Then the mob grew violent, leading to a lathi charge being inflicted on them by the police. A mob composed of hill tribes took up their position blocking the entrance to the Jeypore police station. The mob was later on dispersed by lathi charge.

Congress campaign of destruction and police reaction

Again about 200 Congress sympathisers armed with cudgels gathered near the Sembliguda revenue rest-shed of Jeypore on the 17th August 1942 and were subsequently dispersed by force. Picketing was started by Congress-men before the excise shops, courts and other government institutions in the Gunupur area. On the same date a large crowd assembled and demanded the surrender of the Dasmanthpur police station on the claim that, the British rule had been removed and that Indians had attained Swaraj. Eight of the chief ringleaders were arrested by the police after which the mob went away. The same scene took place at Lakhmipur police station where some records were burnt by the assembled crowd. A campaign of destruction was carried out by Congress sympathisers in certain other areas of the Koraput District where they demolished portions of the reserve forest and a bridge lying on the Ampani *ghat* near the Koraput-Kalahandi border.

The Mathili Police Station was attacked by the rioters on the 21st August 1942 as a result of which a forest official was killed and a number of policemen sustained injuries on their persons. The police opened fire on the mob which resulted in the death of 5 among the rioters. A large mob armed with dangerous weapons proceeded on the 24th August, 1942 for destruction of police stations in the Nowrangpur circle. They were met by a party of armed police which opened fire on them resulting in the death of five and injury to seventeen persons. The Congress revolutionaries demolished the bridges and removed telegraph poles and wires in a number of areas of the district.

Repressive measures of the Government

The government authorities adopted repressive measures in order to quell the movement in the district. Following the government declaration of the Congress as an unlawful association the office of the District Congress Committee of Koraput was attached with all its moveable properties by the District Magistrate and the Superintendent of Police. From the frenzied enthusiasm evinced especially by the aborigines in the August movement in Koraput District authorities apprehended the use of license-free muzzle-loading guns on their part for the furtherance of their cause. With a view to prevent such an eventuality the District Magistrate issued a notice to all muzzle-loading gun-holders to surrender their guns temporarily to the police. The District Magistrate ordered the seizure of all gun-powder and caps from the licensed shops. "Flag Marches" were conducted by the A.P.R. which raided the centres of Congress activities; searches were made in Congress offices as a result of which loaded country-made muzzle-loading guns, bags of gun-powder, caps and sword-sticks were recovered by the police from those offices. Hundreds of persons who participated in the disturbances were arrested. The number of arrested persons was so large that the jails of the district became over-crowded.

Chief among the revolutionaries who played a conspicuous role in the August revolution in Koraput was Lakshman Naik who along with his associates was taken into the custody of the police and sent to prison.

Lakshman Naik.

Lakshman Naik was the son of Padmanav Naik of village Tentuliguma, P.S. Boipariguda, District Koraput. Though

not literate, he enrolled himself as an ordinary four-annas-member of the Congress in the year 193) at a time when the people had no idea of politics or Congress in Koraput district. He inculcated Congress ideologies into the primitive minds and soon gathered a number of followers who could mobilise public opinion in support of the Congress. He became the President of the Tentuliguma Primary Congress Committee and became a member of the district Congress Committee, Koraput. In the year 1936 he was arrested for the first time for launching a 'no-tax campaign' in Mathili shandy. In the year 1940-41 he was arrested twice for offering individual Satyagraha and sentenced to undergo R.I. for 9 months. He attended the last meeting of the Congress *Karmees* (workers) at Jeypore on 31-7-42 where the "Quit India" Resolution was reiterated and instructions were imparted by the District leaders to implement the Congress resolutions after the Congress organisation was declared unlawful throughout the country and leaders were arrested in August 1942. Naik assisted by his able lieutenant Balaram Pujari, mobilised a force of about 200 strong, armed with saplings, cudgels and lathis and carrying Congress flags, Khadder haversack bearing Gandhiji's picture, moved through dense forests destroying liquor shops at Kongrabeda, Kuntipalli and Chandrabeda. Finally he attacked the Mathili Police Station on the 21st August 1942 where the local forest head guard was beaten to death and the police had to open fire causing 5 deaths and 17 injured including Naik who received a face injury. Naik while leading the mob was shouting slogans as follows :—

"We are warriors, British Government is gone. Mahatma Gandhi is our king. Maharajah of Jeypore is dead. The British king is dead. The country is ours. We have got independence. Rise brethren. All of you take part in this war; Mahatma Gandhi Ki Jai." Subsequently he was arrested and sentenced to death by hanging. He was kept confined in the Berhampur jail in cell No. 14 from the 16th November 1942 and executed on the 29th August 1943 at 5-30 a.m. He was cremated in the jail burial ground which is kept marked by a stone piece. He always declared that he was innocent and he went to the gallows cheerfully.

Late Naik was also a constructive worker. He constructed a mud-road from village Hantalguda to Tentuliguma, a distance of about 6 miles; established a school in his village for education of the children of his village and of the neighbourhood and also constructed a bamboo bridge over the meeting points of

the rivers Kolab and Saptadhara. All the above works were executed only by manual labour of the volunteers. The remains of the mud-road constructed by him about 20 years ago and the *Sevasram* school converting the old school established by him in his village bear testimony to his constructive work,

August Revolution in the district of Cuttack

The August revolution appeared in an equally vehement form in the district of Cuttack. The Congress leaders at first directed their attention on agitating the students after which the movement spread on a mass scale throughout the district. The students were exhorted by the leaders to leave schools and colleges and to violate all laws of the government. The students of the Ravenshaw College were inspired by the doctrine of the revolution and launched a strike, being immediately followed by strikes in other educational institutions of the Cuttack town. On the 15th August, 1942 students of the Ravenshaw College numbering about 200 set fire to the office room of the college damaging the records, furniture and other equipment contained in the office, After police enquiry, Surajmal Saha and Bibhudendra Misra were arrested under the Defence of India Act and later on confined in Berhampore central jail.

Appeals were made by the Congressites, to the government servants asking them to resign their jobs and join the movement. Posters were pasted at various places of the Cuttack town asking the government servants to resign, inciting the people to withhold the payment of taxes, cut telegraph wires, remove railway lines. The Congress leaders as well as the lawyers of the town condemned the repressive policy of the government and passed resolutions in meetings demanding the release of the arrested national leaders and opening negotiations with those leaders for the establishment of a national government.

Revolutionary acts of arson, sabotage & attack on police

The people of the district were violently agitated and indulged in acts of arson, looting and sabotage under the instigation of Congress workers. The masses were so stirred up by the preaching of the doctrines of revolution that in Jajpur sub-division alone of the Cuttack district there were 71 revolutionary cases in one week during the month of August 1942 and these included 26 cases of burning police uniforms, 6 cases

of arson in canal revenue offices, 4 in post offices, 5 of excisable articles and 6 zamindars' *Kutcherys* and 4 P. W. D. bungalows.

The Congress ashram at Bari in the Cuttack district which had been attached by the police was invaded by the revolutionaries on the 16th August, 1942 who then set fire to the properties that had been attached. From the 14th to the 18th August 1942 Congress revolutionaries resorted to a number of violent acts. The court houses of 2 zamindars in the Barchana p.s. jurisdiction were burnt. Uniforms of village *chaukidars* and *daffadars* were snatched from them and burnt near several police stations. Small post offices in many places including the records contained by them were attacked and burnt. The canal revenue bungalows and rest houses in other places received a similar fate in the hands of the agitators; embankments of canals as well as telegraph and telephone lines were cut in several places. A police party escorting prisoners in the Binjharpur p.s. jurisdiction was attacked by a mob of several thousands on the 26th August, 1942 whereupon the police opened fire on the mob.

Youth Defence Organisations

Defence organisations were started by the people in different places of the district with the object of self-protection against police oppressions. A batch of young men of the village Bagalpur in Govindpur p.s. trained themselves in lathi play in order to fight with the police in the event of arrest of Congressmen. An organisation called "*Rakta Bahini*" (Blood sacrificers) was formed by the youths of village Batemura with the object of combatting the police and to organise cutting of roads, telegraph wires etc.

Revolutionaries encounter with the Government force

On the 27th August 1942 in defiance of the government prohibition against processions and assemblies, Congressmen and their followers numbering about 10,000 proceeded from Jajpur town towards the police station and the s.d.o's office. An armed force stood at a distance of 50 yards from the place where they ultimately halted. Three Congressmen from amongst the gathering, approached the officers declaring that they had come to urge upon the local officers to give up their jobs. The mob continued to exhibit signs of excitment. The police then prepared to disperse the mob by opening fire. At the time an

aeroplane flew a little over the scene and dropped dynamites which led to the dispersion of the gathering. But half of the crowd returned, marched past by the town (of Jajpur) and burnt the Rambagh post office that lay at a distance of four miles further from the town.

August Revolution in Balasore District

The Congress agitators in the district of Balasore moved in the interior in order to organise the masses for the Civil Disobedience movement. As a result of their organization the masses were roused into action and indulged in violent activities against the goverment. Hartal was observed in a number of markets while the students launched strikes in various places. The students approached the Chairmen of the District Board and the Municipality to resign their posts. They moved from street to street carrying on propaganda to picket courts and government offices. A pamphlet containing the following Congress programme was distributed among the public by the student agitators.

1. To plunder salt stocks.
2. To obstruct government servants by not furnishing them with any information.
3. No domestic servants should work under them.
4. Not to supply any boat, motor or other conveyance.
5. To compel merchants not to supply and food stuffs to government servants.
6. To close schools and colleges.
7. To induce government servants to resign their jobs.
8. To stop communications.
9. To observe hartal in factories and mills.
10. To cut the telegraph lines, to stop communication of the postal papers and messages and to break and loot the post boxes.
11. To keep food stuffs in villages to form Swaraj *Panchayats.*
12. To stop payment of assessments or taxes.
13. To break the law by mass civil disobedience.
14. To break the forest laws.
15. To persuade the government servants to demand more pay and wages."

Law breaking activities

A movement was started in the district of Balasore during August 1942 which took the form of disobeying the laws of the government, cutting telegraph lines, setting fire to dak bungalows and police stations, assaulting the police and not rendering any assistance to government officials as also stopping the payment of taxes and rents.

On the 17th August 1942, 5000 villagers attacked the police station of Bhandari Pokhari where they injured the police staff and set fire to the station house and quarters of officers. Thereafter they proceeded to set fire to the post office of the locality and demolished a road bridge in order to prevent police force reaching the area in time to take action against them. Many casualties resulted by police firing.

Bulletins of revolution

A number of bulletins variously named as "Congress Bulletin" and "True News" were pasted at prominent places in Bhadrak in Balasore district informing the public of the incidents of August revolution and inflaming them against the British government.

Role of students in August Revolution (1942)

The Civil Disobedience movement was carried on with continued vigour in the month of September, 1942 throughout the length and breadth of the province. The students took the political lead in Cuttack where they held meetings in various places, appealing to their fellow students to boycott schools and colleges and requesting the government servants to resign their jobs. They incited the people to resort to acts of violence and terrorism such as burning police stations and government buildings and cutting away telegraph and telephone lines.

Role of the Forward Blockists in the Movement

The forward Blockists took an active part in the movement and issued leaflets entitled "war of independence." The leaflets contained recommendation for anti-government agitation ending in guerrilla war are against the established government. Another leaflet entitled "Harijan notes" appeared during the period which justified the Congress campaign on the ground that the established government in India was an illegal body. The leaflet incited the people to disarm the policemen and other officers who carried weapons without a license. It urged

that the British government should be prohibited from the use of all means of communication that were utilized by it for committing of unlawful acts. Other pamphlets were widely circulated among the public containing appeals to police and jail officials and other government servants to disobey government orders and not to take action against political agitators.

Propagation for Mass Civil Disobedience

Detailed instructions for Mass Civil disobedience were conveyed to the public in a number of Congress bulletins issued by Surendra Nath Dwivedi the under-ground leader of Orissa at Cuttack. One such bulletin contained an appeal to the police to give up government service and to refuse to take action against the Congress revolutionaries. It further exhorted the public to destroy all communications and government records, to carry on a campaign against payment of taxes, to seize police weapons and burn their uniforms and to desert the ranks of the army. It finally called upon the youths of Orissa to 'let a river of blood flow.

Starting of Organisation named "National Government."

An organisation called the "National government" was started in the Gurpal area of the Balasore district in September 1942. Meetings were frequently held under the auspices of this organisation where people were exhorted to bring the government machinery to a stand still by creating a deadlock in the administration. In order to effect their end, the revolutionaries of this organisation decided to stop the payment of taxes, not to render any assistance to the police and to compel the rural police to resign.

A vigorous move was made in the rural areas to undermine the morale of the village police. The public were induced to refuse to report criminal cases before the government and to settle their affairs in *Panchayat* courts. Threats were held out to demolish the post offices and police stations.

Congress underground activities

Congress underground organisation carried on its activities in the district of Balasore where a number of prominent villagers assumed the leadership of groups of villages and evolved methods of organised resistance to government authorities. At the approach of police or other government officials the villagers sounded conches and beat drums as a

signal for villagers to assemble with the weapons in their possession in order to resist the entry of officials into their area.

The revolutionaries of certain villages e. g., Govindapur in the district of Cuttack adopted a terrorist attitude and resolved to assassinate policemen and officers and to burn government buildings and zamindari courts.

Continued revolution in September & October 1942

The revolution that took place in Orissa in September and October, 1942 was pronouncedly violent in nature. The revolutionaries took recourse to all kinds of subversive activities in order to impress on the government their determined will to liberate the country from foreign domination and establish national government in its place. The common run of people were roused into mob fury, who in their frenzied enthusiasm assaulted police officers and other government officials, burnt government buildings and demolished different government institutions, looted granaries and excise shops and cut off all means of communications. Armed with available weapons, they attacked the police and drove out the staff of certain government departments from their quarters. In the villages, the *Choukidars* were invariably assaulted and their uniforms seized and burnt by angry mobs. Congress offices in many centres that were attached by the police subsequent to government declaration of Congress as an unlawful association, were re-occupied by Congress sympathisers who acted unitedly on a violent basis. The agitated masses withheld the payment of taxes, refused all co-operation with the officers and combined to offer united resistance to police attacks and government oppressions. Secret under-ground activities were carried on in a number of places instigating the people to break all ties with the established government and rise in direct rebellion against the British administration. Some of the terrorists advocated murder of police officers in order to strike terror into the hearts of government officials. The excited masses formed organised gatherings and acting in unison indulged in violent activities hurling defiance at the local authorities.

In the course of the Mass Civil Disobedience movement in Orissa, the dreadful firing that took place in Eram in Basudevpur Police Station in the district of Balasore, may fitly be called the Jaliwanabagh tragedy of Orissa. On the 28th September, 1942

a mob of about 5000 people proceeded to set fire to the Basudevpur police station. The police fired several times killing 35 on the spot and wounding 107 persons according to the version of Surendra Nath Dwivedi. News of the Eram tragedy spread like wild fire and created such a commotion that the Government of Orissa ordered a joint enquiry by the Revenue Commissioner of Orissa and the Inspector-General of Police, Orissa with special reference to the number of casualties caused and the alleged attempt to set up a parallel organisation. The official enquiry reported that " in these circumstances we are fully satisfied that there was ample justification for the order to fire in the first instance. Nor do we consider that the amount of firing was excessive." According to official version 27 persons died of firing and 54 persons were wounded as against the popular version of 35 killed and 107 wounded.

The police framed charges against (1) Surendra Nath Dwivedi (2) Nisamani Khuntia (3) Bankabihari Das (4) Sachidananda Misra (5) Narayan Prasad Mahanty (6) Narasingh Charan Mohanty (7) Lokanath Misra (8) Adhikanda alias Nabaghana Behera, (9) Jadumani Jena (10) Ramakanta Das (11) Guru Charan Das (12) Piari Mohan Das (13) Dukhisyam Padhi (15) Bhairab Charan Mohanty and (16) Ghanashayam Patnaik under various sections of the Indian Penal Code, the Railway Act, the Telegraph Act and the Defence of India Rules. The trial took place in the court of the Special Judge Cuttack and the case is called the Congress Conspiracy case. Surendra Nath Dwivedi was the head and centre of the so-called conspiracy. He took a ticket from Cuttack to Bombay on the 3rd August, 1942 which would have enabled him to reach Bombay for the opening of the A.I.C.C. meeting on the 6th August and inspite of the most strenuous efforts of the police he was not found until he was arrested in a house in Alisha bazar, Cuttack sometime in October, 1942. A large number of documents were found which implicated him thoroughly. Dwivedi was convicted under section 120 (B.)I.P.C. read with sub-rule (5) of the Defence of India Rules and sentenced to five years' rigorous imprisonment. He was further convicted under section 117 I.P.C. and sentenced to one year's rigorous imprisonment. Bhairab Charan Mohanty, Biswanath Parida and Ghanashyam Patnaik were sentenced to four years' rigorous imprisonment. Nisamani Khuntia, Bankabihari Das, Narayan Prasad Mohanty, Narasingh Charan Mohanty, Lokanath Misra, Adikanda alias Nabaghana Behera, Piari Mohan Das

and Ramakanta Das were sentenced to five years' rigorous imprisonment. Satchidananda Misra and Jadumani Jena were acquitted.

Congress reaction against Government repressions

The Government repressions against the national leaders and the Congress organisation aroused vehement resentment amongst the public of Orissa. The thinking section of the public condemned the government action in not allowing Mahatma Gandhi an opportunity of reaching a settlement with the Viceroy and thus ensuring a united front in India. The statement of Mr. Churchill on the Indian situation also gave rise to resentment in the political circles. The increasing arrest of the Congress leaders created strong feelings in many circles and the immediate release of political leaders was demanded by most of the parties. Along with the demand for release of political prisoners, the grant of complete independence of India was urged in the meetings held for the purpose. The ministerial party too passed a resolution on the 13th September 1942 demanding the declaration of national government after consultation with all the parties of India.

Communists' relation with the Congress movement

The Communists of the province declared their resolve to continue the fight for national independence in close association with the Congress. They affirmed their determined policy to endeavour for the achievement of national unity under the Congress leadership. They vowed to fight to that end in the face of 'the disruptive, bureaucratic and imperialistic' influences which aimed at national disunity. Viewing the international situation they condemned Britain and America for setting the fascist powers against the Soviet Union and then trying to form an alliance with the latter, when their own interests were in jeopardy. The interest of the capitalists and imperialists were, according to the Communist view, responsible for laying obstructions on the way of successful prosecution of the war against the fascist aggression.

Reaction of Muslims against the Congress move

The Muslim section of the public especially those of the district of Balasore had no sympathy with the Civil Disobedience movement. Members of the Balasore and Bhadrak branches of the Muslim League resolved not to participate in any movement initiated by the Congress. They further moved

their co-religionists in the Congress to resign from that organization and join the League.

Attitude of Harijan Sevak Sangha towards Congress move

The *Harijan Sevak Sangha* of the province extended its warm support to the move sponsored by the Congress. Nandakishore Das, President of the Orissa Banch of the Harijan *Sevak Sangha*, issued appeals to government servants to resign their jobs in consequence of which he was arrested by the police.

Anti-repression move by Communists

The Communists organised an anti-repression day on the 25th September, 1942 as a demonstration of protest against the repressive policy of the government. Their leaders, however, urged the members not to stage any political strikes or hold meetings in defiance of authority as in their opinion such activities had the possibility of making them tools in the hands of the Congress-Socialists and Forward-Blockists in their subversive activities. A 'signature campaign' was started by the Communists in October 1942 with the object of procuring signatures for a joint manifesto to demand the release of national leaders and the withdrawal of government's repressive policy. The Communists advocated the formation of a national government at the centre and contended that the establishment of such a government wonld be the first step towards the realization of national independence which would ultimately result in the defeat of the Fascist powers. They urged the people to be united in order to resist Japanese aggression and for driving out the Japanese and then the British from the land.

Government reaction against the Civil Disobedience Movement

The Government authorities viewed the Congress movement with serious apprehension and launched a scheme of pro-government propaganda in order to counteract the work of the Congress agitators. The object of the government propaganda was to dissuade the people from taking part in the Congress movement or indulging in acts of lawlessness. Village watch and ward committees were reorganised and converted into 'village guards' whose object was to maintain peace and order and prevent indiscipline in the areas.

The official report dated Balasore the 7th April 1943, stated that collective fines were recommended to be imposed on the following areas as noted against each.

Bhandaripokhari	...	Rs. 6000/-	collected
Soro-Khaira villages (Tudigadia firing)	...	Rs. 2000/-	„
Dhusrihat area (Dhamnagar police station).	...	Rs. 1525/-	„
Kata Sahi area (Dhamnagar and Bhadrak police stations).	...	Rs. 2225/-	„
Eram-Basudevpur	...	Rs. 4700/-	not collected

Recommendation was sent to government but ultimately nothing was realised from Basudevpur area. In Tihiri (Bhadrak p.s.) the District Magistrate was moved to recommend for a collective fine but on enquiry he did not think it a fit case for the imposition of a collective fine.

Continued agitation for Civil Disobedience

The repressions of the government could not damp the enthusiasm of the agitators in continuing the movement in the province. Congress workers toured in the interior inciting the people to continue the movement and keep the flame of revolution ablaze in the country. They further instigated the people to withhold the payment of land revenue and to form village *Panchayats.* Workers who were less prominent in the disturbances of August to October, 1942, now took the lead and started organising underground compaign with fresh agitators. Political prisoners who had been sentenced to short terms of imprisonment were now released and endeavoured to continue the movement. The Congressites agitated for carrying on constructive work, burning of police uniforms, assault of policemen and removal of the British army from India.

Quieter phase of the Movement

The Mass Civil Disobedience movement quietened with the advent of the year 1943. But the spirit of the Congress agitators remained undaunted. The agitators who were outside the jail carried on a systematic propaganda for continuance of civil disobedience though they no longer made any attempt to incite the masses for conducting violent and outrageous actions.

Continuance of Congress propaganda

A number of Congress bulletins were issued from the Utkal Congress press, that were respectively addressed to students, peasants and labourers of the country. Bulletins 1 and 2 contained accounts of government repression and advocated formation of *Swaraj Panchayats*, violation of all laws and demolition of opium and liquor shops. Bulletin 3 that was adressed to the students urged on them to establish in each village and town an 'impregnable national goverment', to disregard all laws of the established government, to stop the payment of revenue and rents, to induce employees of government to resign their jobs and to conduct a 'whispering campaign' on behalf of the Congress. Bulletin 4 was addressed to the peasants and labourers and it condemned the government policy for scarcity of essential stuff which caused the sufferings of that class of people.

Underground Congress Workers

A number of underground congress workers contemplated revival of the mass demonstration of civil disobedience and acts involving violence and hooliganism. But their plan was apparently not translated into action and the obvious cause for the same was that the enthusiasm of the masses for any activity of a pronouncedly revolutionary nature had considerably abated by the time.

Publci reaction to resignation of Council members

The resignation of 3 members of the Viceroy's Executive Council was hailed in Congress circles with warm enthusiasm as it was a clear indication of the growing discontent of our countrymen over the protracted detention of Mahatma Gandhi. The eastern zone of the All India Congress Committee issued a number of circulars dealing with the programme of agitation that was to be launched consequent on gandhiji's fast.

Attempt to revive mass movement

A number of underground Congressmen attempted to revive mass movement by instigating people through leaflets to conduct hartals and urge for the unconditional release of Gandhiji. In one of the leaflets they called upon the students to demolish the alien educational institutions and moved the peasants to destroy communications, kidnap government officials and to non-co-operate with Indians who carried out government orders.

Public reaction over Gandhiji's fast

The news of Gandhiji's fast agitated the public mind considerably in February, 1943. Different associations expressed their concern over the fast by sending telegrams to the Viceroy demanding his unconditional release and the formation of a National Government. Students, Communists and other political parties were combined in their efforts for preparing mass appeals for the release of Gandhiji.

The Council of Action of the Orissa Congress Party explained before the public that the fast of Gandhiji was not an opening for a settlement but a signal to revivify the revolution against the government. Those who had taken the pledge to abide by the dictum "Do or Die" were called upon to honour it by trying to paralyse the administration. They were further advised to march in large bodies to the Aga Khan's palace in order to demand Gandhiji's release. The police were urged to join the campaign of revolt against the British Government in emulation of the example of the sepoys who did so during the mutiny.

Reaction over termination of Gandhiji's fast

Public anxiety for Gandhiji's health subsided towards March, 1943 at the news that the Father of the Nation had overcome the crisis. The general belief current among the Congress adherents at the time was that by his fast Gandhiji had succeeded in attracting the attention of the world to the Congress movement and that it was a precursor to the reopening of negotiations to solve the political deadlock of India.

Congress programme

The Congress programme in the main centred round spinning and self-sufficiency towards April 1943. Besides, a campaign was carried on for boycott of foreign goods, violation of lighting restrictions and non-payment of *chowkidari* taxes. The Congressites devoted themselves to relief work amongst the people afflicted by economic distress.

Communist move against political parties

The attitude of the Communists towards the organisations of the Hindu Mahasabha, Congress Socialist party and the Forward-Block was decidely antagonistic. It was contended by them that the Hindu Mahasabha and the Congress-Socialist party impeded the achievement of communal unity. They

condemned the Forward-Blockists as fifth-columnists while the Radical Democratic party was regarded by them as mere tools in the hands of imperialism.

Reaction over Wavell's appointment as Viceroy

The appointment of Sir Archibald Wavell as the Viceroy of India proved shocking to the Congress adherents in Orissa who interpreted this appointment of a professional solider to the rank of India's Viceroy as indicating that political independence for India might be retarded.

Quiet campaign for non-cooperation

The Congressites carried on a quiet campaign by appealing to the people in the form of bulletins to remain steadfast to the pledge of "Do or Die". They reaffirmed their faith in non-violence of Mahatma Gandhi and advocated a "go-slow" policy for all government employees declaring that a thousand and one ways could be followed by which the public could embarrass the government by passive non-cooperation. A number of village committees were formed in several places in June and July 1943 in order to carry on Congress activity in the interior. These committees settled all matters and disputes concerning the villages and formed *Panchayets* to arbitrate over trivial cases.

Activities of "Death Squad"

A group named "Death Squad" was organised by the extremists among the followers of the Congress. The group was associated with similar organisations in other provinces. It issued a series of Congress bulletins appealing to the people to resort to extreme measures in order to bring about the independence of India. The police rounded the houses of the workers who represented the organisation and seized a number of literature concerning the group.

Government repression and its reaction among the public

The repressive policy adopted by the British Government in its attempt to quell the revolutionary spirit of the Indians evoked strong criticism and condemnation among all the political circles and thinking sections of the public. The Government measures of repression particularly in detaining the Congress leaders in jail without trial and the ill-treatment meted out to the political prisoners inside the jail gave rise to widespread

resentment, as a result of which acute discontent prevailed all over the country. The economic evils that followed in the wake of the war and the inadequacy of government policy to avert such ills on an effective basis, further embittered the feelings of the countrymen in general and the political thinkers in particular. It was strongly felt that the release of the national leaders and the formation of national government were imperatively needed in order to secure internal peace and ward off the effects of the economic crisis prevailing in the country.

Congress reaction against Government repression

The Congressites criticised in unequivocal terms the repressive policy of the government in detaining the accredited leaders of the nation and strongly resented the inhuman treatment meted out to the prisoners inside the jail culminating in a lathi charge on the Independence Day. The editors of two daily papers of Orissa, namely "The Samaj" and "New Orissa" that had pronounced sympathy for the Congress and agitated on behalf of the Congress organisation signed a joint communication addressed to the Viceroy and jointly submitted by all newspaper editors in India, declaring that there was acute discontent in the country due to the unsympathetic policy of the British Government in India and demanding that the release of Mahatma Gandhi should be effected in order to restore peace in the country and as a measure of better defence against external aggression.

Statement of Viceroy and its reaction

The statement of the Viceroy in February 1944 evoked different responses in different circles of this province. Contrary to the expectation of the majority of political thinkers there was no indication in the Viceroy's speech regarding the release of the national leaders which gave rise to general disappointment among the politicians. A section of politicians were, however, delighted to note that there was no reference to Pakistan in the speech. Some political circles who were not staunch supporters of the Congress remarked that the speech of the Viceroy was invitation to politicians to arrive at an agreement for the adoption of a bold policy of unity, irrespective of the political ideologies of different parties.

Leaders' appeal for unity

The attention of the public was drawn to the appeals issued by Mrs. Sarojini Naidu and the Congress leaders of

Assam and U.P. to the patriots in all political parties to unite in order to build up national strength at the critical juncture when the country was confronted by an economic as well as political crisis.

Release of Mahatma Gandhi and public reaction

The release of Mahatma Gandhi in May 1944 was welcomed with joy by all circles in Orissa. Some sections of the public and political thinkers in the province held the view that the release of Gandhiji could be effected by the force of the united public demand and that it was no indication of any real change of heart on the part of the government. The release, however, gave rise to optimism in certain quarters with the belief that it would be followed by a general amnesty and facilitate an early solution of the political deadlock.

Gandhiji's move for communal unity

The declaration of Gandhiji regarding his intention to meet Mr. Jinnah, the leader of All Indian Muslim League for a settlement of Hindu-Muslim dispute was received favourably by the public of Orissa in June 1944. The public, however, felt indignant at the unfortunate news of the outbreak of communal riots at Dacca. They were, none-the-less, optimistic about the outcome of Gandhi-Jinnah meeting for the solution of the communal question. Mahatma Gandhi's refusal to withdraw the August resolution was welcomed in the Congress circles and it led to the expectation in some quarters that the widespread discontent prevailing in the country would assume the shape of further disturbances on a mass scale.

Split among the Swarajists and fall of Coalition Ministry

There was a sharp split in the ranks of the Swarajists which led to a serious conflict among the members of Orissa Cabinet in June 1944. The Communists and the supporters of the Swarajist Party appealed to the ministry to compose their differences in order to avoid government by section 93 of the Government of India Act. Evidently the appeal went unheeded and the conflict in the Cabinet assumed considerable proportions towards the end of June 1944 as a result of which the Maharaja of Parlakimedi tendered his resignation. Shortly after the resignation of the ministry, the Governor of Orissa decided to assume charge of the administration under section 93 of the Government of India Act.

The Problem of Communal Unity

The proceedings of the Indian debate in the Houses of Parliament cast a pessimistic influence on the Congress adherents and their sympathisers with regard to the chances of a compromise between the British government and the Congress. The political circles, however, entertained hopes that the move for the solution of the political deadlock in India might prove successful if Mr. Jinnah, the Muslim League leader was induced by Mahatma Gandhi to accept the formula devised by Rajagopalchari for the Congress-League settlement. The majority of the political thinkers in Orissa favoured the plan formulated by Rajagopalchari for the achievement of Hindu-Muslim Unity. There were a few exceptions, however, who condemned any scheme contemplating the division of the country, prominent among them being Pandit Nilakantha Das of Hindu Mahasabha, Lakshmi Narayan Sahu of the Servants of India Society and the Maharaja of Parlakimedi. The Congressites in general expressed their blind faith in any decision arrived at by Gandhiji.

Gandhi-Jinnah talks for communal solution

The contemplated meeting between Gandhi and Jinnah for the solution of the communal question aroused lively expectations among the Congressites and their sympathisers. But the release of correspondence between Gandhiji and the Viceroy immediately before the Gandhi-Jinnah talks, was believed in certain circles, as having been deliberately designed to dissuade the public from cherishing fruitful hopes on the result of those talks.

Failure of Gandhi-Jinnah talks and its reaction

The collapse of the Gandhi-Jinnah talks evoked different responses in different circles of the province. The Congress Moderates were acutely disappointed at the failure of the negotiations where as the general public of Orissa being predominantly Hindu cast censure on Jinnah attributing the failure to his excessive and unreasonable demands. Some sections of the intelligentsia entertained the opinion that although the negotiations between Gandhiji and Jinnah ended in failure Gandhiji could be able to expose Jinnah before the world. According to them the lack of sincerity on the part of Jinnah for the solution of the communal problem, was amply demonstrated before the world as the result of the negotiations. The nature of the correspondence that passed between the two national

leaders created apprehensions among the thoughtful sections of the public that it might lead to communal conflict.

Revival of Congress campaign

The renewed campaign against the established government as contemplated by Gandhiji received wide support from the Congress circles in Orissa. The campaign which was thus initiated by him at the conclusion of his negotiations with Jinnah was hailed with enthusiasm by the staunch Congressites of Orissa, who organised different training centres, as part of the All India Socialist Association's (A. I. S. A.) programme. The object of starting such centres was to form selection centres for recruits for the movement renovated by Gandhiji. The Congress leaders and the security prisoners who were released by August 1944 made earnest efforts to re-establish contact among the masses and regain their influence over them which was interrupted by the great rebellion of August 1942 and their consequent arrest in large numbers. They moved in the interiors preaching the creed of the Congress among the villagers and opening different centres in the different localities for the prosecution of the contructive programme. They made an organised move to coordinate their work, increase spinning associations and attain self-sufficiency.

ORGANISATIONAL WORK OF PARTIES (1944)

Gandhi's Fast and its object

The contemplated fast of Mahatma Gandhi was interpreted by some officials in the following manner :—

"The majority of the people seem to think, however, that Gandhiji fears that the Congress has lost its prestige since the campaign of 1942 and that its position in the political world should be restored by reverting to an intensified programme of what was known as normal Congress activity prior to August 1942. The threat of another fast is described in places as coercion of those Congress workers who may be disspirited owing to the lack of progress in the last two years, while others think, it is an appeal to sentiment where political appeal has failed."

Constructive programme and Public reaction

The Constructive programme of Gandhiji received the appreciation and support of most of the political parties in

Orissa including the Congress, the Communists and students. The Congresites made zealous preparations to reorganise the party in order to implement the programme as chalked out by Mahatma Gandhi. District, Subdivisional and thana committees were organised by them with a view to elect committees and sub-committees to carry out the constructive programme. They exhorted the people to adopt the 18 point programme as formulated by Gandhiji and to make themselves self-sufficient. The Communists asserted that the enemy agents were responsible for the outbursts of violence in 1942 which did not have the sanction of Gandhiji and that the responsibility for such outbursts could not be attributed to the bonafide Congress leaders. The Communists now worked shoulder to shoulder with the Congressites, took part in the zonal meetings of the Congress and co-operated in the implementation of the constructive programme.

Women volunteers for Constructive programme

It was also proposed to enlist the services of women volunteers in the implementation of the constructive programme by forming a women's section known as "*Sevadal*" within the Congress Organisation. The lady volunteers were to be trained in self-sufficiency besides which they were to undergo courses in elementary training and hygiene in order to fit themselves for service to the village people.

Reaction over Quit India resolution

The 'Quit India' resolution of August 1942 and the Congress directive to the public to "Do or Die" that was given in that momentous period aroused strong criticism from the government, as it brought in its wake, mass disturbances of an appalling and unprecedented nature. The Communist laid the blame at the doors of the Forward Blockists and the Congress Socialists for having initiated and encouraged the subversive activities which in their opinion was suicidal to the cause of the nation. They held also the government responsible for all such violent outbursts in 1942 which in their opinion was the outcome of the repressive policy on the part of the government. Some of the independent political thinkers interpreted the August revolution in a markedly different light. Their contention was that the Indians had every right to resort to violence in the August disturbances of 1942 as a matter of national duty on their part. It was a pity that the Britisher who never

flinched from pursuing a violent policy, blamed the Indians for having resorted to violence. Even Gandhiji who was the apostle of non-violence and the accredited leader of the Nation, instructed the Indians to court death rather than to prove themselves as cowards and to fight violently or non-violently for the freedom of the country rather than meekly submit to the oppressions of the British. As India was for Indians and not for the British, the Indians were fully justified in demanding the Britishers to quit India and adopting the revolutionary method for the attainment of their end.

CHAPTER VII

CHAPTER VII

BRITISH WORLD STRATEGY AND INDIA

Before coming to the special questions of the second world war it will be useful to touch briefly on the previous development and the role of India in British world-strategy and the attitude of the national movement to questions of foreign policy.

The concentration of British world strategy around the pivot of the domination of India can be traced with increasing clearness through the past two centuries. The eighteenth-century wars of Britain and France revolved primarily, not so much around the kaleidoscope of the shifting European constellations which appeared as their immediate cause, but around the struggle for the New World and for the domination of India. The loss of the United States increased the importance of India. When Napoleon directed his expeditions to Egypt and the Near East, he had before him visions of the advance to India. Through the nineteenth century, Russia appeared as the bogey extending ever farther over Asia and threatening India. When Britain abandoned isolation at the beginning of the twentieth century, the first step in the abandonment of isolation was the alliance with Japan, and the revised Anglo-Japanese Treaty, when it was renewed, contained the formula for Japanese assistance in maintaining British domination in India. The conflict with Germany turned especially on the control of the Middle East, opening up the way to India.

India throughout provided the inexhaustible reservoir for Britain, alike of material and of human resources, not only for its own conquest, but for the whole policy of Asiatic expansion. A great part of the public debt of India was built up on this basis through wars conducted for the aims of British policy in other Asiatic countries, or even beyond the confines of Asia and charged to India.

The size of the Indian Army and the enormous scale of expenditure upon it were largely governed, not only by the needs of holding in subjection the people of India, but by the calculations of its use for wars and expansion beyond the frontiers of India.

The strategic importance of India to Britain increased in the period between the two world wars. The new Middle

Eastern Empire and system of influence was built up on the basis of India. The concentration on the Cape route with the new naval base of Simonstown, to balance the possible loss of effective control of the Mediterranean, and on the supposedly impregnable naval base of Singapore to command the gateway from the Pacific into the Indian Ocean, alike reflected the central concentration on the control of India and of the roads to India as the pivot of the Empire. As the passage through the Mediterranean and the Suez Canal became increasingly precarious, the Imperial Air Line linking Britain with Australia through Baghdad, Karachi, Calcutta and Singapore, and with the Far East through India and Siam, became increasingly important as the life-line of the Empire. As Japan extended its hold on the Pacific and on the coast and riverways of China, the land route through Burma assumed a new importance.

Between the two key areas of British imperialist domination and influence, the Middle East and South-East Asia, India has represented the pivot, and, from the standpoint of British policy, the indispensable base. In its critical battle against the colonial movements in Asia, British imperialism used India as its main military base, its source of supplies and even its recruiting ground for troops (until resistance of the national movement brought this to an end in the case of the war on Indonesia) for the purposes of reimposing colonial rule and suppressing the liberation movements in the neighbouring Asiatic countries in Burma, Malaya and Indonesia.

India and the War (1939-42)

When Britain declared war on Germany in 1939, British policy in relation to India sought to follow the same lines as in 1914. India was to be a passive pawn of British policy, automatically dragged behind Britain without any attempt at consultation of its people. Within a few hours of the declaration of war, the Viceroy proclaimed India as a belligerent.

Events soon showed the difference of the situation in India from 1914. On September the 14th, the Working Committee of the National Congress issued its statement on the war. This statement laid down that "the Committee cannot associate themselves or offer any co-operation in a war which is conducted on imperialist lines and which is meant to consolidate imperialism in India and eleswhere." Accordingly the National Congress posed the direct challenge to the British Government.

"The Working Committee, therefore, invites the British Government to declare in unequivocal terms what their war aims are in regard to democracy and imperialism...Do they include the elimination of imperialism and the treatment of India as a free nation whose policy will be guided in accordance with the wishes of her people ?"

To this direct question the British Government issued a reply which was in fact a negative. This led to the resignation of all the Congress Ministries in October, 1939. In the summer of 1940, following the Nazi advance in Europe, the Congress made a new offer of co-operation conditional on the recognition of Indian independence and the establishment of a "Provisional National Government at the centre". Once again, however, this offer met with a negative reply from the British Government. This led the Congress to adopt an individual civil disobedience campaign under the leadership of Gandhi, which was inaugurated in October, 1940.

While the leadership of the Congress was engaged in these diplomatic interchanges with the Viceroy, the masses were already entering into the movement. On October 2nd, 1939, 90,000 Bombay workers carried out a one-day political strike against the war and the repressive measures of imperialism. This was the first anti-war mass strike in any of the countries involved in the war. The resolution unanimously passed at the mass meeting on the Kamgar Maidan at the close of the strike proclaimed,

"This meeting declares its solidarity with the international working class and the people of the world, who are being dragged into the most destructive war by the imperialist powers."

The growth of the forces pressing for a decisive struggle against imperialism found its reflection not only in the ruthless governmental attack on the working class and peasant forces and the radical nationalist elements from 1939-40 but also in the extremely limited and severely circumscribed nature of the struggle started by Gandhiji in October, 1940. Lists of civil registers were to be sent to him for scrutiny and sanction. Persons approved by him were required to inform the police beforehand where and when they proposed to offer symbolic opposition to the war. Despite this, extensive arrests and imprisonments followed in the succeeding months.

Such was the situation of deadlock when the events of the latter half of 1941, the German attack on the Soviet Union, the British-Soviet Pact and the Japanese attack in the Far East and the extension of the British-Soviet Alliance into the wider alliance of the anti-fascist war front under the leadership of Britain, the United States, the Soviet Union and China brought a profound change in the character of the war. Indian national opinion, though not in all its sections, was quick to respond to this. Pandit Nehru declared in 1941; "The progressive forces of the world are now aligned with the group represented by Russia, Britain, America and China". Thus a new opportunity confronted the British Government from the second half of 1941 to reach a wartime agreement with the national leadership.

The first reaction of the British Government was negative. Premier Churchill specifically excluded India, Burma and other parts of the Empire from the operation of the Atlantic Charter. This angered Indian national opinion and strengthened the tendencies hostile to the anti-fascist war alliance.

Nevertheless, the Government's release of the principal Congress leaders in December, 1941, represented the first step which was intended to open the way to new negotiations. By the end of December, 1491, the Bardoli resolution of the National Congress declared for the principle of armed resistance to the Axis as an ally of the United Nations, provided India could mobilise under a National government. From outside India there developed the official American-Australian-Chinese pressure for a new policy, demonstrated by President Roosevelt's declaration that the Atlantic Charter applied to "the whole world", the urging of self-government for India even during the war made by the Australian Minister for External Affairs and Chiang Kaishek's visit to India in 1942.

By the spring of 1942 the question of co-operation of the National Congress in the anti-fascist war on the basis of the establishment of an Indian National Government had thus come to the forefront. If there was still resistance from British official quarters, the arrival of the Japanese at Rangoon in March helped to supply an urgent impetus.

On March 8th, Rangoon fell.

On March 11th, the Cripps' Mission was announced.

But the Cripps' proposals broke down on the crucial point of the refusal of a war-time National Government with effective powers. On the breakdown, even the Calcutta Statesman gave its verdict.

"The blame lies with the India Office and the official section of the Government of India".*

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*India Today and Tomorrow. Palme Dutt.

CHAPTER VIII

CHAPTER VIII

THE AUGUST RESOLUTION AND AFTER (1942-45)

"The National Congress, frustrated in its desire to cooperate, after a period of hesitancy and divided counsels, moved over towards non-cooperation as the weapon to enforce the national demand.

The Congress resolution on non-cooperation was put out in July and finally adopted in an amended form on August 8th (against an opposition vote of 13, led by the Indian Communist party, whose restoration of legal right on July 22nd was a sign of its growing influence and strength).

This resolution reaffirmed sympathy for the United Nations and the demand for recognition of India as a free ally under a National government for armed resistance to facsism in co-operation with the United Nations. But the concluding section laid down the programme of non-cooperation in the event of refusal of the national demand.

"The committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on the widest possible scale so that the country may utilise all the non-violent strength it has gathered during the last 22 years of peaceful struggle."

Intense controversy has raged round the August resolution. Before any criticism is made of it, it is necessary to understand that the Congress leaders felt driven to accept this desperate course because every effort to win co-operation on a free basis had failed. The character of the war since 1941 was recognised as no longer an imperialist war of rival imperialist camps, the outcome of which could be regarded with indifference, but as a war in which India was vitally concerned in the success of the camp of the United Nations, so that the aim of the resolution was declared to include "the success of the cause of the United Nations" and that India should become "an ally of the United Nations". The resolution specifically laid down the concern of the Congress "not to weaken in any way the defence of China or Russia" or "to jeopardise the defensive capacity of the United Nations",

The final conclusion contemplated a course of action which, if carried, could only mean intense internal conflict and disorganisation in a major country of the Alliance, such as in practice would jeopardise the defensive capacity of the United Nations and would facilitate an Axis victory, a course of action, which be it noted, was judged unpermissible in 1939-40, when the war was being fraught "for imperialist aims" and when every proposal for a mass movement or for mass civil disobedience was rigidly opposed on the grounds that it would embarras the war effort of British imperialism!

The resolution provided the pretext for which imperialist reaction had been eagerly waiting in order to launch its attack. So long as the Congress stood out, with its unchallengeable anti-fascist records, as the decisive political force seeking to mobilise the Indian people for the common struggle of the peoples of the world against fascism, while imperialism, with its dubious pro-fascist record was revealed as the main obstacle to the mobilisation, the tactical position of imperialism was at a disadvantage. The moment the resolution was passed, the opportunity was seized by imperialism to claim that it stood for the defence of India against the threatened invasion by Japanese fascism, in contrast to the Congress attempts at disrupting that defence, to slander the Indian national movement as pro-fascist, pro-Japanese and as sabotaging the war effort of the peoples of the United Nations, and to make this the political basis for carrying out its policy of reactionary suppression against the national movement.

The minority in the Congress (the Communist Party of India) which opposed the resolution had consistently given warning of this outcome. The anti-fascist working-class sections of the national movement represented by the Indian Communist Party had from the outset put forward a clear and consistent line in relation to the war of liberation through a positive response to the tasks and responsibilities raised by the war. They set out their positive alternative programme to non-cooperation in the critical situation :—

1. To build up the United National Front in India, including the unity of the Congress, the Moslem League, and all other political sections, on a common platform of resistance to fascism.

2. On the basis of such a National Front to press the demand for a settlement and for a national government with the united support of all sections.

3. While pressing the just political demand, to participate wholeheartedly in the war effort and the mobilisation of the people and to initiate unofficial measures of popular mobilisation under the leadership of the national movement in order to strengthen the popular war effort and capacity of national resistance to fascism.

4. Resolute rejection of all policies of non-cooperation as fatal to the interests of the Indian people.

But with the existing embitterment of national feeling and the reactionary refusal by British ruling circles of the demand for a National Government, this policy was not yet able to win the support of the bulk of the national movement.

"To realise the seriousness of the situation one has to remember the steady deterioration in the condition of the people of our country ever since the threat of war came to Indian shores. The food situation was steadily getting worse. The cost of living rose to three times what it had been formerly. Profiteering and exploitation went unchecked. Panic and distress followed close on each others heels, and yet government was apparently content to look on. Even so moderate a critic as Sir Tej Bahdur Sapru observed; "I have often wondered why between May and August, 1942, when things reached a crisis, no step was taken by the Government of India or the Secretary of States to deal with that situation." The bewilderment of Sir Tej was the result of his assumption, as an axiomatic truth, of Britain's good intentions. But the fact was that in 1942 the bureaucracy in India, at least, had decided to teach these Congress-Wallahs a lesson."

Apart from tuning up the propaganda machinery, Government had made their plan to take swift and summary action with all their force. They had performed it in a somewhat similar way ten years ago when Gandhiji returned from the Round Table Conference. But now it was going to be more drastic because the Congress appeared now to be stronger. They promptly took hold of some phrases used by the leaders as an excuse. Soon after the Wardha meeting of the Congress Working Committee on July 14th Gandhiji had told the press

correspondents that the Congress proposal now was to be a final struggle. "There is no room left in the proposal for withdrawal or negotiation. There is no question of one more chance. After all it is an open rebellion." He had said elsewhere, "ours is an unarmel revolt against British rule. It will be a mass movement of a strictly non-violent character. It will include all that a mass movement can include." Words like 'revolt' and 'rebellion' were enough to make the British furious. But Gandhiji had also told the Congress, "I want you to adopt non-violence as a matter of policy. With me it is a creed but so far as you are concerned, I want you to accept it as a policy. As disciplined soldiers you must accept it in toto, and stick to it when you join the struggle."

Thus on both sides, on the part of the government and on the side of the Congress there was anxious expectation of decisive developments at Bombay when the All-India Congress Committee met. The delegates who went to Bombay from the different provinces were not certain whether they would come back to their homes. The nation had been told to be prepared to face a fight to finish. Three days before the meeting of the All-India Congress Committee, Sardar Patel addressed a student's meeting at Ahmedabad, and called upon them to join in the struggle adopting any of the items in the Congress Programme which they thought best suited to them. He warned them that the Congress might not be there to tell them what to do and what not to do. They must take the initiative and do what seemed proper in the light of all that Congress has stood for....The newspapers might be suppressed; and it would be necessary for them to become walking newspapers to carry the message from house to house." In similar, if not the same words, the leaders in every province gave the people parting precepts.

Such was the mood in which the members of the All-India Congress Committee gathered at Bombay. They assembled in a spacious pandal on the Gawalia Tank Maidan, nearly 250 members. There were over ten thousand visitors besides. Newspaper correspondents from distant parts of the world were there in large numbers to flash the news of the momentous decisions to the waiting world. All through the day on the 7th August and late into the night the Committee discussed the resolution passed at Wardha. Maulana Azad presided and explained the Wardha Resolution, and said that the slogan "Quit India" meant nothing more and nothing less than the

complete transfer of power to Indian hands." After Gandhiji had explained the spirit and purpose behind the resolution, Jawaharlal Nehru moved it. He exposed the utter inefficiency of the way the war was concluded. He said, "The Congress was plunging into a stormy ocean and it would either emerge with a Free India or go down. Unlike in the past, it was not going to be a movement for a few days, to be suspended and talked over. It was going to be a fight to the finish. The Congress had now burnt its boats and was now about to embark on a desperate campaign." Sardar Patel warned the people that the fight before them was going to be a tough one, and as Mahatma Gandhi had emphasised, it should be short and swift. Late in the night of August 8th all the amendments were either rejected or withdrawn, and the "Quit India" resolution was passed by an over-whelming majority, only thirteen voting against it. Thereafter Gandhiji gave them a stirring exhortation "Let every Indian consider himself to be a free man. He must be ready for the actual freedom or perish in the attempt. . . . . . . There is to be no more bargaining. There is no compromise on the demand of freedom. Freedom first, and then only rest. I am not going to be satisfied with anything short of complete freedom. We shall do or die." Seated on the elevated dais facing the tense and expectant gathering of many thousands, his face composed and refulgent, suffused with a light of benediction, that appeared not to belong to this world, the picture of Gandhiji uttering these words imprinted itself on the minds of every one present. In the dark days that ensued, when many of them were in a state of living death inside the prisons, this inspiring picture abided with them to put courage and faith into their hearts.

Near mid-night the members of the All-India Congress Committee dispersed to their different abodes, their minds and hearts uplifted by the tense emotion of the last two days. There was the exhilarating expectation of a final plunge ; there were grim forebodings of a desperate struggle. But the predominant mood was one of exultation and relief ; relief from months of helpless watching while the country was going deeper into hardship and depression ; and exultation of doing something concrete and positive to pull the country out of this despondency.

Though the resolution had been passed, it was not to take effect immediately. It was part of the principle of Satyagraha

that the opponent should be given every possible chance to amend his ways. Therefore Gandhiji had contemplated writing to the Viceroy and if possible, seeking an interview with him before putting this resolution into effect. But government was not in a mood to reason about it. Their intention was to teach the Congress a lesson, and "they shall damn well have it." The instruments of repression struck suddenly in the dark. During the small hours of the morning of the 9th August all the top leaders of the Congress, Mahatma Gandhi, Maulana Azad, Sardar Patel, Jawarharlal Nehuru, Sorojini Naidu, Hare Krushna Mahatab, members of the Working Committee, and about twenty other leaders, were arrested in Bombay while they slept, and taken to Poona by a special train. The fight had begun, precipitated by the rash and provocative act of government. It is necessary to remember that though the All-India Congress Committee sanctioned "the starting of a mass struggle on non-violent lines on the widest possible scale," no movement was actually started or ordered by the Congress. But government had decided that the mere passing of the resolution was itself an unpardonable affront, and it would have no truck with such "disloyal" elements. They had already prepared a long "communique" which they released at the very moment the All-India Congress Committee passed its resolution. The close and perverse mind of government is evident from certain portions of the communique:

"For the demand of the Congress leaders there is no warrant. In the view of the government of India, that demand is difficult, if not impossible to reconcile with a full sense of responsibility on the part of the leaders of the Congress Party or a full appreciation by them of the realities of the present situation.

"The Congress Party is not India's mouthpiece. Yet in the interests of securing their own dominance and in pursuit of their totalitarian policy, its leaders have consistently impeded the efforts made to bring India to nationhood."

So, with righteous anger, government let loose its forces of repression. India awoke on the 9th August to see the full fury of repression lashing the country.

It would not be possible to record every incident that happened during the terrible weeks that followed. Wholesale arrest of Congressmen began in every province. Thus at a

time when the whole nation was ready to rise in the biggest mass movement in India's struggle for freedom, all the familiar and trusted leaders whose directions they had been wont to follow in the past were behind the bars. No doubt, for some months the country had been expectantly waiting for this movement. But it was to have been led and directed by Gandhiji. No instructions had been left behind about the lines the movement should follow. Thus the 1942 movement may well be described as a spontaneous, voluntary, mass movement that sprang from the national urge for freedom. In that sense it truly was a people's movement. In every town, tahsil and village the people organised themselves and conducted the fight. They knew that the basis of India's protest was its refusal to be a party to an imperialist war into which she had been drawn without her consent. Therefore, the form the movement should take, was the obstruction of the war effort. By this simple logic the people started dislocating communications, attacking police stations, destroying government records, and refusing to render any help to government. No doubt the principle often transgressed the principle of non-violence. But it was invariably the result of provocative action by the police. Violence by the police led to angry retaliation by the mob, and that in its turn made authority more brutal.

Between August 9th, 1942 and December 31st, 1942, according to the summary of official statements, 62,229 persons were arrested; 18000 detained under the Defence of India Regulations; 940 killed by police or military firing; and 1,630 injured through police or military firing in the whole of India.

The mass protests and national indignation following the arrests of the national leaders were spontaneous and widespread. But the sporadic disorders, unrest and confused and conflicting directives of individual groups and sections did not represent an organised Congress struggle. They were never authorised by the Congress and were publicly disowned by Gandhiji in whose hands alone was placed the authority to launch a struggle.

The disorganisation of the national movement following the August events, the absence of any organised leadership and absence of any clear line of policy, led to a period of frustration and confusion in the ensuing years alongside the political deadlock. It was during this period that the Moslem League rapidly grew in strength.

On May 6th, 1944, Gandhiji was released from confinement on grounds of health. He lost no time thereafter in announcing that the mass Civil Disobedience portion of the resolution of August 8th, 1942, stood automatically cancelled since in 1944 he could not go back to 1942. But the deadlock continued.

One more attempt was made to resolve the deadlock in the summer of 1945. A provisional agreement was reached between the two parliamentary leaders in the Central Legislative Assembly of the Congress Party and of the Moslem League, for the formation of a Provisional National Government on the basis of parity between the Congress and the Moslem League. This proposal was placed before the Viceroy, Lord Wavell, who flew to London for advice and returned with a new statement of policy announced by the British government with a subtle change in the formula for representation from the terms agreed by the Congress and League representatives. In place of Congress-League parity the British plan laid down "Caste Hindu-Moslem parity". This modification, forcing the issue to a communal plane, guaranteed a breakdown. The Simla Conference of the representatives of the Congress, Moslem League and others which met in June, 1945, ended in a breakdown.

So it came about that by the end of the war, when all over the world peoples were advancing to liberation, India emerged from the war still completely subject as at its onset. Nevertheless, the conditions had matured for a gigantic new upsurge of the Indian people which was to shatter the foundations of the old system of British rule in India.

Wavell Proposal and politicians' reaction

The interest of the political circles was focussed on the "Wavell proposal" in June 1945. A section of the public considered that the proposed parity between the caste Hindus and the Moslims might prove to be the stumbling block in the proposed Simla Conference. The local Congressmen in general watched the proceedings with silence and looked up to the Congress Working Committee for guidance in the matter. The members of the local branch of the Hindu Mahasabha expressed strong disfavour of the proposal. But the common trend of opinion among the political circles as well as the lay public grew to be decidedly favourable towards the Wavell plan. Though the

failure of the Jinnah-Pant talks cast a gloom among the thoughtful sections of the public, the invitation accorded by Lord Wavell to the national leaders to submit panels of names, raised hopes that it would finally lead to the solution of communal deadlock in India. The general feeling among the Congress circles was that the leaders were striving their utmost to resolve the deadlock and that popular ministries would soon be restored in the provinces.

Failure of Simla talks and its reaction

The subsequent failure of the Simla talks caused wide-spread discontent and disappointment among the political circles of Orissa. The Congressites blamed Mr. Jinnah attributing to him the failure of the conference on account of his insistence that the Moslem League alone should nominate Moslem members to the Executive Council. The British Government was sharply criticized for letting one political party (i. e. the Moslem League) completely "veto the plan" when all other political parties were agreeable to work for its success. Lord Wavell was criticised in particular for not enforcing a decision although he assumed the leadership of the conference. But in spite of the failure of the plan, for the formation of a National Government at the centre, cexpectations ran high among the political circles that further attempts would be made to set up a new Executive Council, after the reconstitution of the British government at the end of the general election. The Congress leaders explained the position of the Congress and justified its action taken in the past. They asserted that the Simla conference failed as Lord Wavell could not rise equal to the occasion for the solution of the political deadlock, which in itself was a convincing proof that the British government had no genuine will to part with power in India. The Orissa Congress Assembly party expressed full confidence and deep sense of appreciation for the manner in which the Congress took its stand in the Simla conference.

Congress activities and move for ministry

The Congress leaders of the province were earnest about the formation of a ministry with a view to capture power and started efforts in that direction in July, 1945. The removal of the ban on provincial and district Congress Committees, the order for the release of the seized buildings and the release of the political prisoners caused satisfaction among the Congress circles and gave a fresh impetus to Congress activities in the province on a wider and more effective scale.

Announcement of the Viceroy & the Prime Minister of England-Reaction in India

The announcement of the Viceroy and the Prime Minister created little enthusiasm among the public of Orissa in September 1945. The Congress now took a stronger stand in its determination for achievement of national emancipation and to oust the British from the soil of India. The slogan of "Quit Asia" raised by Sardar Patel as complimentary to the slogan of "Quit India" was warmly supported by the Congress and its adherents. The Congress directives received the enthusiastic approbation or the people in general who rallied in greater numbers under the banner of the Congress. The "Quit Asia" day was observed at different places on the 1st. November 1945, where the public recorded strong protest against the use of Indian troops in Indonesia and expressed sympathy with the Indonesians in their national struggle for attainment of freedom. It was asserted that the "Quit Asia" and the "Quit Indonesia" slogans were but the reverberations of the "Quit India" demand. The British government was urged to "Quit Asia" in the interest of the people of Asiatic nations.

Reaction against oppression of the I.N.A.

The public of Orissa expressed strong resentment at the treatment meted out to the I. N. A. prisoners in jails and concentration camps. A vehement protest was raised against the trial of the I. N. A. men and emphatic demand was made for their unconditional release. Some of the Congressites remarked that a fire of revolution would break out in India in case the I. N. A. men were condemned to death while others advocated the adoption of violence and the use of bullets and machine guns to liberate the country from British yoke.

Reaction against statements of Viceroy and Secretary of State

The statements of the Viceroy and the Secretary of State for India in December 1945 created little enthusiasm among the thinking sections of the public. The majority evinced disappointment as they found no substantial advance made in the statements with regard to the fulfilment of the nationalist claims. The British attitude towards India was thus condemned by the local politicians and vehement criticisms were levelled at the dilatory and deceptive policy of the British government by the local Press of Orissa. The official report, dated the 21st December 1945 illuminating.

"The resolution of the Congress working committee reaffirming its faith in non-violence and the subsequent softening up of the tone of the All-India leaders in their public utterances have led the literate public to believe that some sort of a truce has been arrived at between the government and the Congress after Mr. Gandhi's interview with His Excellency the Viceroy. It is also believed that the Congress will not resort to any "direct action" until the Labour government has had reasonable time after the Provincial elections, to solve the political deadlock in India."

Organisational move of the Congress

The Congressites moved to strengthen their organisation by taking up the cause of the peasants and organising them in order that they might be fit for taking an effective part in the national struggle. They strove to organise the students and enlisted their cooperation in working out the constructive programme. They made a further move to rouse the states' people to agitate for representation in the Constituent Assembly. The rulers were condemned as exploiters and autocrats and the students were exhorted to agitate against the mal-administration of the states. The chief purpose in initiating all such moves on the part of the Congress was to gather strength for the "Quit India" resolution.

Formation of Congress Ministry

A Congress Ministry was formed in Orissa in April 1946 under the leadership of Hare Krushna Mahatab, the Ministers being sworn in on the 23rd April, 1946. The first popular act of the Congress leaders after the assumption of office was to order the release of the political prisoners, which event was warmly welcomed by all sections of the public. The second Orissa Congress Ministry consisted of Hare Krushna Mahatab, Nabakrushna Choudhury and others.

Public attitude towards Cabinet Mission

The attention of the intelligentsia as well as the political circles was now directed towards the activities of the Cabinet Mission at Simla. The declaration of the Cabinet Mission on the 16th May, 1946 regarding the independence of India created considerable interest among the thinking sections of the public, who remarked that though the award of the Mission was not very favourable for the achievement of complete independence for India, it should be accepted by the Political parties in view

of the prevailing crisis in the country. The Congressites looked forward to a successful outcome of the Mission's deliberations and expressed optimism at its proposal for the Constituent Assembly.

Failure of Simla conference and its reaction

The Simla Conference ended in a failure which made the public keenly conscious of the ominous role played by the Hindu Moslem discord in hindering the grant of independence. The Congress circles held the view that the British government deliberately supported the Moslims and other minorities against the Hindus in order to thwart the national aspirations of India. The major responsibility for the failure of the conference was attributed to the Moslem League for their dogmatic insistance the on the issue of the communal rights. The supporters of the Moslem League as well as the Communists evinced pleasure at the failure of the Conference as they considered it to be a blow to the Congress, who would have appropriated the success of the Mission to their own credit, had it resulted in victory for them. The Congress-Socialists obviously did not attach any especial importance to the outcome of the Simla Conference and accelerated the work of their propaganda for the final struggle against British imperialism.

Congress stand regarding office acceptance

The position of the Congress with regard to the acceptance of office and the plans of the Cabinet Mission were explained to the public by Hare Krushna Mahtab, the Chief Minister of Orissa, on the occasion of the observance of 'Interim government Day' held at Cuttack on the 2nd September, 1946. H. K. Mahtab and N. K. Chowdhury justified the stand of the Congress explaining that it had assumed office to free the country from British domination. They appealed to the Orissa public to have faith in the intentions of the Cabinet Mission and to render support to the Congress Government in the furtherance of the national cause.

Direct Acton by Muslims

The formation of interim government at the Centre was denounced by the Moslims of Orissa who gave vent to their anti-Congress feelings during the celebration of Direct Action Day at Cuttack on the 16th August 1946. They characterised the Congress as a Hindu organisation and blamed the British for their support of the Congress. They supported the decision of

the All-India Moslem League Council and called upon the Orissa Moslem title-holders to renounce their titles in protest against the plan of the Cabinet Mission. Explaining the significance of the Direct Action Day they declared that it did not mean the announcement of Civil war but stood for disciplined non-cooperation with the British government.

Spread of Communal tension

Communal tension increased in Orissa following the disturbances in East Bengal and Calcutta during October 1946. A move was made by some sections of the Hindu public to form a Hindu militia and Defence Committees in each village under the guidance of a Central Defence Committee. Printed leaflets in Oriya entitled '*Jatir Daka*' (Nation's call) urging on the Hindus to boycott Moslims in all respects were circulated at Cuttack as a result of which panic spread among the Moslim community. As a mark of protest against the Noakhali disturbances, the festival of *Dewali* was not observed with pomp and ceremony in most parts of Orissa. The Moslims of Orissa were urged to appeal to the Moslims of Bengal to refrain from indulging in communal riots as it might lead to disastrous consequences in Orissa, where the Moslims constituted a minority in the population. The Hindus and Muhammedans issued a joint appeal to the Governor of Bengal to take steps to stop the disturbances and dismiss the League Ministry. Hartals were staged in different places protesting against the atrocities of Noakhali. H. K. Mahtab, the Premier of Orissa, moved to restore public morale by advocating Hindu-Moslim unity in a joint meeting of Hindus and Muhammedans addressed by him. He promised full protection to the minority community as a result of which the apprehensions of the Moslims were allayed to a considerable extent.

Failure of Congress League settlement and its reaction

The failure of a settlement between the Congress and the Moslem League caused severe disappointment among the political circles. But the announcement of the League's intention to join the interim government on invitation from the Viceroy allayed the popular misgivings to a considerable extent. However, the subsequent declaration of Jinnah that the Moslem League would not participate in the Constituent Assembly, gave rise to fresh distress and disappointment in non-League circles resulting in serious apprehensions of increased communal friction and the occurrence of a civil war.

Failure of London Conference & its reaction

The attention of the political circles in Orissa was focussed on the negotiations which the Indian political leaders were having with the British Cabinet members in December, 1946. The breakdown of the negotiations at London cast a depressing effect on the thinking sections of the public. The failure of the conference along with the statement of the British government clarifying their interpretation of the Cabinet Mission's declaration, about the grouping of provinces and accepting the decision of the Constituent Assembly, without the League as not binding on the whole of India, caused disappointment among the Congress circles though the same was quite welcome to the local Communists and the Moslem League.

CHAPTER IX

CHAPTER IX

THE MOVE FOR REPUBLIC OF INDIA AND THE GRANT OF INDEPENDENCE

British Cabinet's declaration and Congress acceptance

The decision of the All-India Congress Committee to accept the British government's declaration of the 6th December, 1946 evoked various responses in different circles. The Orissa official report dated the 9th January 1947 depicts it in the following manner:—"The acceptance of the British Cabinet's statement of December 6th by the All-India Congress Committee has been received with mixed feelings. While some think that the Congress has climbed down, others think that the Congress leaders have shown great statesmanship in making it possible for the Moslem League to participate in the Constituent Assembly."

Attlee's statement and its reaction

The statement of Major Attlee, Labour Prime Minister, regarding the composition of the interim Government and Assembly was declared on the 20th February 1947 according to which the British government were to quit India by June 1948 after transferring the power to Indians. Congressmen were jubilant at the announcement of a definite date for the transfer of power which was in support of the Congress view that independence of India was not far in sight.

Issue of transfer of power

The invitation of the Congress Working Committee to the Moslem League to nominate representatives to discuss with Congress representatives the situation arising from the impending transfer of power and to devise ways and means to meet the situation was welcomed by Moslims in general and the members of the local Moslem League.

Move of U.P.C C. for Constructive work

The Working Committee of the Utkal Provincial Congress Committee met at Cuttack on the 23rd March 1947 to discuss regarding the implementation of the recommendations of the A.I.C.C. for popularising the Congress organisation among the masses through vigorous constructive work. Different branches of constructive work were allotted to responsible Congressmen

and the reorganisation of the Congress, the Kisan Front as well as the Labour Association was undertaken by the Congress workers.

British Cabinet and the Viceroy

The Viceroy's meeting with members of the Moslim League in April 1947 was interpreted by the general public as an indication of his sympathy with the League. The postponement of the date of the Viceroy's declaration on the clarification of his stand to June 1947 was interpreted as due to disagreement with British Cabinet committee over division of India into three groups, i.e. Hindustan, Pakistan and the States. The selection of Viscount Mountbatten as the next Viceroy of India and its acceptance by the Congress was viewed by the public with misgivings when Jinnah was declared as the Governor-General designate of Pakistan.

British announcement for transfer of power and public reaction

The announcement of the British government for transfer of power and passing of the Indian Independence 'Bill in the House of Commons in July 1947 was hailed with joy by the general public of Orissa. The public hoped that the British government would not enter into separate treaties with the Indian States after declaring their independence. The decision of the rulers of the Eastern States Agency to join the Constituent Assembly was widely appreciated by all sections of the people. The warning given by the Viceroy to the States, evoked appreciation among the intelligentsia who hoped that it would act as a deterrent on the tendency of some of the rulers to remain separate and bring pressure on them to join one of the two dominions. In spite of various criticisms by different political parties, the general public felt jubilant over the declaration of independence and the celebration of August 15th as the Independence Day. The appointment of Dr. K. N. Katju, a veteran Congressman, as Governor, was also received with general approbation by the public of Orissa.

Independence Day on the 15th August 1947

The Independence Day was observed with great eclat through the Province on the 15th August 1947. All sections of the public and the different political parties participated in the celebration of the Day with joy and enthusiasm.

Congress observations on the attainment of freedom

The Congress leaders asserted that Swaraj was attained in India without bloodshed by the will force and the creed of non-violence adopted by Mahatma Gandhi. They further contended that during their regime the British had created communal differences among the Indians which led to serious consequences even after their withdrawal from the land.

CHAPTER X

CHAPTER X

THE END OF PRINCELY RULE OF ORISSA

State rulers designs' and people's reaction

The agitation of the States' people for the establishment of a democratic government in the States was continued with unabated vigour in the year 1947. The rulers of some States designed to perpetuate their sovereignty over the States' people, which was vehemently condemned in a bulletin issued by the Secretary of the States' Sub-Committee and the people were exhorted to launch a strong movement for the achievement of their legitimate rights. The bulletin urged on the people to move vigorously for the establishment of responsible government in the States and amalgamation of States with British Orissa.

Rulers' move for draft constitution and reaction of states' Regional Council

The rulers of the Eastern and Chhattisgarh States met at Puri in May 1947 to discuss the draft constitution for the States and to make arrangements to take over the charge of the Resident's and the two Political Agents' offices. The Orissa and Chhattisgarh States' Regional Council met at Cuttack in the same month and decided to boycott the election to the State Councils in case the rulers did not change the policy of electing candidates from the nominated bodies inspite of the protests made by the Regional Council.

Rulers' reaction to peoples' agitation

The agitation of the States' people and the action of the States' Regional council gave rise to strong reaction on the part of the rulers who took vigorous steps to strengthen their position with a view to perpetuate their sovereignty over the people. The rulers moved to reinforce the States' police force by Gurkhas and Pakistanis and designed to round up all popular leaders in the event of a violent agitation. A secret code was introduced by them to convey messages amongst themselves. To counteract the work of the *Prajamandals* they started puppet organisations called '*Praja Samities*' consisting of *Sarbarakars*, State employees, and the rulers' dependents. Organisations of State aborigines were also invited at the instance of the rulers with a view to curb the influence of the *Prajamandals*.

Organisationl move of Prajamandal

The leaders of the *Prajamandals* continued the agitation demanding popular ministry in the States in the teeth of opposition from the rulers. They moved to strengthen their organisation by enlisting the services of the States' Students Congress with the formation of a Council of Action in each state. The *Prajamandal* workers in some of the States took the pledge of 'Do or Die', to establish popular governments in their states and as a sign of determination, gave their thumb impressions with their blood on the pledge. The Communist party of Orissa volunteered to assist the *Prajamandal* workers in their agitation by creating a joint front with the Socialists. "Ever since the announcement of the Cabinet Mission proposals, some of the rulers of the Orissa and the Chattisgarh States had been thinking in terms of a union. These rulers met at the Rajkumar College at Raipur and formed the Eastern States Union which started functioning from the 1st August 1947. The biggest states, Mayurbhanj and Bastar, as well as some of the smaller states had kept out of the Union. The Union had an elaborate constitution. The head of the Union was the Rajah of Korea. The Union had a Premier. It also had a Chief Secretary, a Joint Police Organisation under an Inspector-General of Police and an appellate Court. The Union had no Legislature. It was financed by contributions from the constituent states. The joint Police Organisation was headed by an Englishman, and the police force contained a large number of Pathans and Punjabi Muslims. One could imagine the effect upon the public opinion of the employment of such a force against the background of the communal situation in the country in the latter part of 1947.

Though the Union had been formed, this did not stop the agitation for responsible government in the various States. There was trouble, for instance, in Dhenkanal and Nilgiri. The ruler of Dhenkanal had, a few years previously, been asked by the Political Department to stay outside his State. Before the advent of independence, he had been allowed to return to his state. But the local '*Prajamandal*' in its zeal for responsible government, occupied all government buildings and surrounded the palace. I was told that it was only the presence of a tame leopard in the "Zenana" of the palace that saved the inmates from molestation !*

* The Integration of the Indian States. V. P. Menon.

In Nilgiri, the agitation for responsible government led to serious trouble. The ruler of this State had, from 1942 to 1946, been deprived of his powers by the Political Department and compelled to live outside his state. This was a tiny 'B' class State with an area of 284 square miles and a population of 73,109. About 15 per cent of the population were aboriginals. There was a dispute between the local '*Prajamandal*' and the ruler on the issue of responsible government. Ultimately, the "*Prajamandal*" decided to force the pace; its idea being to form a parallel government, to occupy the villages and take over government offices and property. In a desperate effort to maintain his position, the ruler formed a loyalist party, recruited a force of Gurkhas and obtained assistance from the Rajah of Dhenkanal.

It was not, however, until the aborgines entered the arena that the situation became really grave. Towards the end of October 1947 they began to occupy the cultivated fields of the peasants and to harvest the grain. They affixed blue flags to the property they seized; any one opposing them received short shrift. Later they started attacking villages and looting property. It was alleged that the Rajah of Nilgiri deliberately set them against the '*Prajamandal*', the State police having made no attempt to check their depredations. On the other hand it was contended on behalf of the Rajah that the aborigines did not need any instigation from him; that their grievances were economic. The position became more complicated when it became evident that the Communists were also taking a hand.

Whatever might be the truth as to the origin of the disturbances, what caused greatest concern to the Government of India was the possibility that outbreaks among the aborigines might spread to those neighbouring areas in which they formed a considerable proportion of the population. The aborigines are easily excited and, being accustomed to the use of bows and arrows, are difficult for the unarmed plains-men to withstand. Trouble with the aborigines had often broken out in the past and had cost considerable effort and expense to put down. From all points of view, it appeared that the time had come to take firm and immediate action if chaos was to be prevented. When, therefore, the Government of Orissa reported that the situation in Nilgiri was tense and that the trouble was spreading, the Government of India authorised them to send the Collector of the nearest District (which was

Balasore) to Nilgiri to take over the administration of the State. This was accomplished on the 14th November, 1947. The Rajah of Nilgiri issued a valedictory proclamation in which he admitted that with his resources he was unable to provide the State with a modern administration.

That some of the Orissa rulers were fishing in the troubled waters of the local politics was also clear. The agitation sponsored and sustained by the rulers against the Hirakud Dam project was a case in point. There could be no two opinions as to the utility of the project from the point of view of the States concerned and the province of Orissa as a whole. The execution of this project necessarily involved the immersion of a large tract of land. The Government of Orissa started acquiring these lands on terms very favourable to the tenants. Land acquisition has a way of creating resentment among the peasantry, and the rulers of Orissa now began to exploit the situation. An anti-Hirakud agitation was started and sustained at a high pitch. The Government of Orissa charged the Maharajah of Patna with having inspired this agitation. Even Gandhiji's appeal not to support such an obviously anti-national movement fell on deaf ears." *

People's reaction to state repression.

During the annual session of the States' *Krushak Sangha* held at Bolangir on the 29th and the 30th October 1947 the *Prajamandal* representatives of different states united their voice in condemning the oppressions of the State rulers. They rejected the *Dasahara* declaration of the Maharaja of Patna, condemned the atrocities of the Kalahandi Durbar on the students, disapproved the Constitution of the Federated Eastern states union and denounced the high-handed action of the Darbars of Bamra and Saraikella.

Rulers' policy of "Divide and Rule."

The rulers of some of the States followed the British policy of 'Divide and rule' with a view to maintaining their hold on the States. They incited the state aborigines to form a party and a counter-agitation was started by the latter against the work of the *Prajamandals*. They instigated the aborigines to boycott the Hindu members of the population and to rise in a body against the people of Orissa who moved for amalgamation of the states with Orissa. The rulers indulged in acts of atrocities with a view to suppress the peoples' movement.

* The Integration of the Indian States V. P. Menon, pp. 155.

Agitation for responsible Government

The atrocities of the rulers evoked strong resentment amongst the people who combined together and condemned the oppressive measures of the chiefs, especially those of Nilgiri, Bamra, Kalahandi and Narsinghpur. The *Prajamandal* leaders expressed their disapproval of the formation of the Eastern States Union comprising the Chhattisgarh and Orissa States and exhorted the people to unite under the banner of *Prajamandals* in order to establish responsible governments in the States. Ultimatums were given by *Prajamandals* to the rulers of certain states, to grant full responsible government by a fixed date, failing which it was proposed to launch a strong movement for the attainment of independence. No-tax campaigns were started in some states as a counter-move against the reinforcement of the States armed police forces, whereas in other States' Defence Committees and Volunteer corps were organised to withstand the attack of the police or the State sponsored *Adibasi* Associations. Cases of clash of police with the States' people and police firing on agitating masses occurred from time to time as a result of the rulers' attempt to suppress the peoples' agitation.

Transfer of Administration of Nilgiri

A free Provisional Government of the Nilgiri State called as *Azad* Nilgiri government was formed at Balasore early in November 1947 with the late Kailash Chandra Mohanty as President and Sarangadhar Das as Adviser. The ruler thereafter made a declaration to form a ministry on the basis of election. There was, however, a complete breakdown of administration and an outbreak of lawlessness in the Nilgiri state in consequence of which the Provincial Government of Orissa had to intervene and take over the administration of the State in November 1947.

Prajamandal Activities

The firm action of the Orissa Government in taking over the administration of Nilgiri State, gave a fresh impetus to the agitation of *Prajamandals* in other states. The *Prajamanls* now reaffirmed their stand for the establishment of responsible government in the states and accelerated their movement in order to attain that end. Rulers in some states were given ultimatums to introduce popular administration while the *Panchayat* system of government was actually started in others.

Reaction of Regional Council

The Working Committee of the Regional Council of the Orissa and Chhattisgarh States' people met in Balasore on the 15th and the 16th November 1947 when it recorded its appreciation of the step taken by the Dominion Government and the Government of Orissa in respect of the Nilgiri State. It condemned the atrocities indulged in by some of the states such as Baramba and Narsinghpur and recorded its disapproval of the Eastern States' Union, urging on the Government of Indian Dominion and its States' Department to dissolve the Union and its joint police force.

States' reaction to the agitation

As a result of the vigorous agitation carried on by the *Prajamandals*, some of the rulers yielded to the peoples' demand and declared their intention of transferring State adminstration to the people, whereas other states decided to form an Interim Government based on adult franchise. Parallel governments were started in some other states in order to combat the rulers' administration.

Thus the rulers of a number of States e.g. Bonai, Sonepur, Baramba, Athgarh, Rairakhol and Mayurbhanj made over the entire administration of their respective States to the *Prajamandals* in November 1947. The Ruler of Khandapara conceded all powers to the Interim Ministry in the State. The *Prajamandals* of Patna, Dhenkanal and Bamra demanded full responsible government on the failure of which, they declared their intention to take over the entire administration of the States.

Amalgamation of States with Orissa

The visit of Sardar Vallabhai Patel to Orissa in December 1947 gave rise to high expectations. Sardar Patel held a conference with the rulers of the Orissa states in December 1947 and successfully persuaded them to agree to part with their administrative powers. Thus as a result of the Conference all the Orissa States (A.B.C.) except Mayurbhanj were integrated with the States of Orissa with effect from 1st. January 1948. The States' integration with Orissa created joyful response among the people of the States as well as of the province, who congratulated Hare Krushna Mahatab, the Chief Minister of Orissa, for the signal service rendered by him to the cause of democracy and National Government.

CHAPTER XI

CHAPTER XI

THE END OF BRITISH RULE IN INDIA

The victory of the war of liberation over fascism unloosed a mighty wave of popular advance throughout the world.

In Europe the end of Nazi occupation was followed by the formation of progressive democratic governments based on the militant resistance forces, with the participation of the Communist Parties; even in the slower development of Britain, Toryism was swept from power by the electorate returning the first absolute Labour majority. While in Western Europe American intervention, through the Marshall Plan and subsidies, inflicted a check on this democratic advance by 1947. In the new democratic states of Eastern Europe the peoples sped forward to the establishment of people's democracy, embodying the rule of the working people and the ending of landlordism and big capitalism and advanced to the building of Socialism.

In Asia the tide of revolutionary national liberation rose to heights never before paralleled. The Chinese Revolution achieved final and complete victory in 1949, with the sweeping out of imperialist domination and its satellites from the entire mainland of China. In South East Asia new liberated States were established by the popular liberation movements and their armies. These had fought and driven out the Japanese occupying armies, before the imperialist troops of the Western powers arrived to begin the long-drawn colonial wars of the subsequent years in order to attempt to destroy the newly-won freedom of the peoples and re-install the colonial system, either directly, or under the transparent disguise of pliant puppets. But in Vietnam, Malaya, and Burma the liberation front of the peoples continued to maintain itself in the field against the assault of the imperialist invasion of Korea, led by the United States to make the whole of Korea an American colony, ended in failure after three years of heavy warfare and barbarous mass destruction of civilians by the American invading forces.

In India the advance towards independence proceeded through more complex forms. There had been no Japanese occupation, as with China and South East Asia, and no armed liberation movement of the people. The upsurge of national revolt swept through India as in all countries at the end of the

war. On the other hand, the unbroken continuity of the imperialist machine through the war, and the continuing domination of the representatives of the big leaders in the national movement, who actively opposed the revolutionary upsurge at the end of the war and even co-operated with the imperialist military chiefs and governors against it, created the possibility of a special kind of settlement in 1947. This settlement of 1947 ended British colonial rule in India.

The National upsurge of 1945-46

The Simla Conference breakdown in the summer of 1945 had revealed the impasse which British imperialist policy had reached. But it had also revealed the deep and seemingly unbridgeable gulf between the Congress and the Moslem League leadership. Among the masses, however, the desire for unity in the struggle against imperialism was overwhelming. This was shown in the great demonstrations of Calcutta, Bombay and other leading cities, where Congress and Moslem League flags, and in many cases also Communist Party flags, were carried in unity by the crowds.

Nevertheless the movement swept forward not only among the civilian population but also among the armed forces. This was a new development for India, whose revolutionary significance was not lost on the ruling authorities of British imperialism. Previously there had been the refusal of the Garhwalis to fire in 1930. But now widespread strikes in the armed forces and especially in the Air Force and Navy, revealed the disintegration of the British authority in the very basis and machinery of its power.

The rising of the Indian Navy in February, 1946, laid bare in a flash all the maturing forces of the Indian Revolution. The memories of the Potemkin in Russia in 1905, of Kronstadt in Russia in 1917, or Kiel in Germany in 1918 have all deeply impressed the significance of the Navy in the vanguard of great revolutions. The Naval rising in February 1946, the mass movement of support within India and the heroic stand of the Bombay working people constituted the signal of the new era opening in India and one of the great landmarks of Indian history.

From the outset the Naval ratings in revolt had made contact with the Congress and Moslem League leadership but received no support or practical help. They elected a

Central Naval Strike Committee, and perfect discipline was maintained. Support from the Bombay people (the Naval revolt was centred in Bombay) who brought food to the ships was overwhelming. The British authorites, completely taken by surprise by the extent of the movement, resorted to violent measures of suppression. Heavy naval and military reinforcements were hastily despatched to Bombay and Karachi. When the Indian soldiers refused to fire, British troops were called in and a seven-hour battle ensued on February 21st outside the Castle Barracks. In the afternoon on the 21st, Admiral Godfrey broadcast his ultimatum that "Overwhelming forces at the disposal of the government will be used to the utmost ......even if it means the destruction of the Navy". The Central Naval Strike Committee replied with an appeal to the civilian population for a peaceful strike and hartal. The call of the Central Naval Strike Committee, which was supported by the Bombay trade unions and the Communist Party, received a universal response from the Bombay working people on February 22nd. The British authorities sought to smash the popular movement with indiscriminate police and military firing on the people. Over the three days, February 21st-23rd, the official figures reported 250 killed.

Finally, on February 23rd, under the pressure of Vallahbbhai Patel who gave the advice to surrender and promised that "The Congress will do its level best to see that there is no victimisation" followed by a similar assurance from the Moslem League, the Central Naval Strike Committee decided to surrender. Within two days the leaders were arrested. The last statement of the President of the Strike Committee declared: "We surrender to India and not to Britain".

The Naval rising and popular struggle in the February days in Bombay revealed with inescapable clearness the alignment of forces in the explosive situation developing in India in the beginning of 1946. It showed on the one hand the height of the movement, the courage and determination of the people and the overwhelming mass support for Hindu-Moslem unity and Congress-League unity.* It showed that

the movement had reached to the armed forces and that therefore the basis of British rule was no longer secure.

Gandhiji in a significant statement condemned what he called the "Unholy combination" of Hindus and Moslems in defiance of the creed of non-violence.

The British rulers were quick to see this strength in the national front and to take full advantage of it. As the subsequent proceedings of the Cabinet Mission showed, the entire tactics of British imperialism were now directed towards the Congress and Moslem League leadership, simultaneously to play on their hope of a peaceful transfer of ruling authority into their hands, their fears of the popular masses and their mutual division and antagonism.

On February 18th, the Bombay Naval Strike began.

On February 19th, Mr. Attlee in the House of Commons announced the decision to despatch the Cabinet Mission.

The Cabinet Mission and the Mountbatten Settlement

While the interminable negotiations between the representatives of Imperialism (the Viceroy, Lord Wavell, taking over from the Cabinet Mission after their departure) and the leadership of the Congress and the Moslem League dragged on during the latter part of 1946 and the early months of 1947, the crisis in India continued to rise higher.

The growth of the industrial strike movement of the workers showed a continuously rising curve. During 1945 the number of workers involved was returned as 747,000 and the number of working days lost as 4,054,000. During 1946 the number had risen to 1,951,000 workers and 12,678,000 working days, or more than three times the total of 1945. During the first eight months of 1947 the number of workers involved was 1,323,000 and the number of working days lost 11,195,863 or nearly the total of 1946 in two thirds of a year.

At the same time the States' People's fight against princely rule rose to new heights. This was shown especially in the struggles in Travancore and Hyderabad, and above all in Kashmir, where the "Quit Kashmir" movement led by Sheikh Abdullah and the National Conference for the ending of the rule of the Maharaja was met by violent repression, imprisonment of the leaders' military firing and a reign of terror.

On the other hand in place of the communal unity which had characterised the great national upsurge at the end of 1945 and the beginning of 1946 before the arrival of the Cabinet Mission, the disruptive tactics of the Cabinet Mission, playing ceaselessly on the division of Hindus and Moslems, lit once more the flames of communal conflict. Communal conflict raised its ugly head anew in June, 1946—a grim commentary on the work of the Cabinet Mission. By the Autumn of 1946 communal conflict flared up to new murderous heights never before known, with the Moslem League "Direct Action" Day in Calcutta in August, followed by the riots in East Bengal in October, and the anti-Moslem riots in Bihar, all resulting in thousands of killed, many more thousands wounded and rendered homeless, wholesale massacre, arson, looting and horrors beyond record.

The gospel of "non-violence", which had only served to stifle and paralyse the revolutionary energy of the masses from being turned against imperialism, was now bringing its terrible nemesis in unexampled violence and carnage as the energies of the masses were twisted and distorted away from their true enemies to mutual fratricidal strife and suicidal self-destruction. Communal passion spread from the Moslem League to the ranks of the Congress, with the rapid growth of the Hindu Mahasabha and other Hindu communal organisations, and powerfully affected the proceedings of the Meerut session of the Congress in November, where Sardar Patel preached amid acclamation the new gospel "to meet the sword by the sword"—not as a call to Indians against imperialism, but as a call to Hindus against Moslems.

Faced with this deepening crisis, signalised equally in the advance of the working class and peasant struggle and popular revolt against princely rule, and in the growth of political disintegration and reactionary communal conflict and anarchy, imperialism sought to hasten the time-table for reaching the new political settlement. In August, 1946, a new Interim government was formed (still within the formal framework of the Viceroy's Executive Council), on the basis of the Congress and Sikh leadership, with Pandit Nehru at its head. In October Moslem League representatives were brought into the Interim government. The Interim government, however, failed to function as a coalition; the two leaderships continued in open opposition; and a paralysis at the centre threatened.

In December, 1946, a conference was called in London of Indian leaders and the British government, with the participation of Attlee, Wavell, Nehru and Jinnah. This conferenc- did not produce any solution of the deadlock. But in the statement that was issued by the British government on the outcome of the conference a significant final clause was added.

"Should a Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's government could not of course contemplate forcing such a Constitution upon any unwilling parts of the country."

The significance of this declaration was clear. The reference to "a large section of the Indian population "as not represented" did not of course refer to the disfranchised three-quarters of the adult population in British India, who had no share in the voting for the Provincial Assemblies which were the indirect basis for the proposed "Constituent Assembly." It referred, and was universally understood to refer, solely to the Moslem League and to the refusal of the Moslem League to accept majority decisions of a Constituent Aseembly in which its representatives would be in a minority. This statement was thus the first clear indication that British policy was moving to the partition of India as its "solution". The statement placed in the hands of the Moslem League an absolute veto, and guaranteed in advance that, if the Moslem League chose to exercise this veto, the British government would impose partition.

As the crisis continued to deepen in the beginning of 1947, measures of repression were intensified. In January, 1947, wholesale raids and arrests of hundreds of leaders were conducted against the Communist Party all over India. While these arrests were carried out by the ordinary imperialist police machinery, responsibility for them was finally accepted, on behalf of the Central Government by the Home Member, Sardar Patel, who admitted in a statement in the Central Assembly on February 21st that 1, 950 Communists were under arrest. Reports from British representatives to London emphasised that the situation was getting out of hand, and that the administrative services were in danger of disintegrating, and pressed urgently the necessity of reaching a speedy political settlement.

In February 1947, the British Government took new decisions to speed the settlement. The Viceroy, Lord Wavell, was recalled and was replaced by Lord Mountbatten, who had already served as Supreme Allied Commander in South-East Asia during the war (in his younger days he had also served with the Prince of Wales' tour to India in 1921), and who was sent out with new instructions for a speedy settlement, which in practice was to be based on the partition of India. Simultaneously the Prime Minister, Mr. Attlee, made a new declaration of policy in the House of Commons on February 20th, which was published as a White Paper. The declaration laid down that :—

> "His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June, 1948".

At the same time the declaration warned that no Constitution drawn up by a Constituent Assembly would be accepted by Britain unless it were drawn up "in accordance with the proposals" of the Cabinet Mission Plan and "by a fully representative Constituent Assembly", i. e., with the assent of the Moslem League ; and that failing such assent of the Moslem League, or if a majority of representatives of the Indian Constituent Assembly should dare to draw up a Constitution not approved by Britain,

> "His majesty's Government will have to consider to whom the powers of the Central government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian People.

With regard to the States the Declaration laid down :—

> "In regard to the Indian States His Majesty's government do not intend to hand over their powers and obligations under paramountcy to any government of British India. It is not intended to bring paramountcy as a system to a conclusion earlier than the date of the final transfer of power ; but it is contemplated that for the intervening period the relations

of the Crown with individual States may be adjusted by agreement".

Character of the 1947 Compromise

Since this declaration of February, 1947, is the key guiding statement of policy for the conditions of inauguration of the new regime, it is worth noting the very definite character of its formulation. There was no question of a free choice by the Indian people of the kind of government under which they might wish to live. There was no question of a free Constituent Assembly, freely elected by universal suffrage of the Indian people, being entrusted with sovereign powers on behalf of the Indian people to draw up a Constitution, without external interference. All these normal characteristics of the genuine establishment of a sovereign independent democratic State were completely absent.

On the contrary, the most explicit regulations were laid down beforehand by the over-ruling British Power as to what kind of Constitution would be permitted. Failing compliance with these regulations and requirements laid down unilaterally by the ruling imperialist power, it is the ruling imperialist power which held sole decision and determines unilaterally to what "responsible Indian hands" the so-called "transfer of power" shall be made. In other words, there was here at this initial stage not yet the establishment of a sovereign independent State, but a delegation of authority by imperialism to such forms of administrative authority in India as imperialism might judge expedient in its own interest. Thus the ending of British colonial rule through the Mountbatten Settlement was only the beginning of India's advance to independence.

The new Mountbatten Plan, replacing the former Cabinet Mission Plan, was evolved rapidly and published in June. By August, 1947, it was put into effect. This acceleration of the original date of June 1948, laid down in the White Paper reflected the increasing urgency of the crisis and the official recognition of need for the utmost speed if the collapse of imperialist authority and a revolutionary outcome of the crisis in India were to be averted. As the Sunday Times correspondent reported on May 4th, 1947, British official opinion had to recognise the "risk that chaos may overtake India long before June, 1948."

The Mountbatten Plan laid down detailed measures for the partition of India and the speedy transfer of responsibility

in the form of Dominion Status to two separate governments for the sections of a divided India.

The Mountbatten Plan received the assent of the leadership of the major political organisation in India. The political leaders of the Congress and the Moslem League declared their acceptance of the proposals, though with considerable misgivings.

Indian left-wing opinion, equally among Socialists, Communists and left-wing nationalists, sharply criticised the Plan as involving the dismemberment of India and as not representing a real transfer of power to the people. The Communist Party of India stated :

"The new British Plan for the dismemberment of India is a desperate move against the freedom movement which stands for the complete independence of the whole of the country. .... Mountbatten's Plan is not a genuine "Quit India" Plan, rather one which seeks to keep in British hands as many economic and military controls as possible." In Britain, Tory-Labour unity was proclaimed in support of the Plan.

Internationally, the Plan received high praise in the American official press, and in the right-wing press of most countries. On the other hand, Reuters noted that "left-wing newspapers have been unfavourable in all countries." Soviet comment was provided by the statement of Zhukov :—

"Britain is being forced to take a page from America's book and copy her policy in the Phillipines, to give a nominal false freedom. In other words, to clear out so as to remain."

The central new feature of the Mountbatten Plan was the partition of India. For many decades the main boast of British rule in India had been its unification of India. At the end of two centuries of British rule the India which had been united under Asoka and Chandragupta over two thousand years ago and under Akbar three and half centuries ago was handed back to subordinate Indian rulers, split into discordant fragments, and needing to tread a toilsome and painful path to overcome this vicious legacy of imperialist "divide and rule."

Partition on the lines laid down in the Mountbatten Plan brought great evils to India.

First, it divided State boundaries, not on lines of linguistic, cultural or national divisions, but on lines of religious division. This not only meant that the frontiers were arbitrary and disputable, opening the way to further conflict, but that large minorities of an opposing religious faith were included in States whose basis was declared to be the predominance of a given religious faith. It not only meant the division of India into two States on the basis of religious division; since religious division was made the basis of political division, it meant the reproduction and multiplication of this division in every town and village and area of India. No more potent specific to promote chronic internal conflict could be found. The introduction of the Mountbatten Plan let loose the most hideous communal conflicts, massacres, and flight of millions of refugees, without parallel in Indian history.

Second, the transfer of governmental responsibility, not to a united Indian Government, but to two Indian Governments, counter-posed against each other alongside the further complication of the Princes' States, with open competition for the adhesion of States, created the conditions for chronic inter-governmental discord and conflict. Within a year the two Dominions were engaged in direct military operations against each other, and on each side invoking the support of the imperialist authorities through the United Nations against the other. The fact that both Dominions' armies had British Commanders-in-chief and many British officers did not smooth the conflict, but only increased the complications. As the Manchester Guardian had to note on August 3rd, 1948:—

" Pakistan's official participation in the Kashmir campaign raises serious problems for the whole British Common-wealth. This is the first time the armies of the two Dominions have fought against each other.........

"Moreover, the fact that both Pakistan and Indian armies have British Commanders-in-chief and British advisers while the former has several hundred British officers as compared with the latter's few score, means in effect that Britons are ranged on opposing sides."

Third, the division cut across economic and political links, divorced mutually interdependent agricultural and industrial areas, cut indiscriminately across railway and irrigation systems, and this placed a barrier in the way of All-India

economic development and planning, of vital importance for the future prosperity of India. Similarly it placed the maximum difficulties in the path of the democratic movement and working-class and peasant movements, which had grown up and built organisations on a united basis, and were now separated and organisationally split by the new State divisions, as well as having to combat the devil's brood of communal discord let loose by the imperialist plan.

The Mountbatten Plan was pushed through with extreme haste. On August 15th, 1947, the new Dominions of India and Pakistan were proclaimed.

The settlement of 1947 undoubtedly represented a historic landmark in India's advance to freedom. It brought the end of two centuries of British colonial rule in India—not through the benevolence of the British rulers,—but through the strength of the Indian mass struggle. Nevertheless, the settlement bore heavy negative features, through the partition of India, the transfer of Governing power to the Indians and the continued economic and strategic domination of imperialim. Hence the subsequent years were still to see further great changes in the advance of the Indian people on the path to full liberation." *

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* India Today and Tomorrow—Palme Dutt.

APPENDIX A

APPENDIX A

In the Court of the Special Judge, Cuttack

Present—J. E. Maher, Esq., I.C.S., Special Judge, Cuttack.

Special Case No. 1 C of 1943

The 23rd day of March 1943

KING EMPEROR

Versus

1. Surendra Nath Dwivedi (30)
2. Nishamani Khuntia (21)
3. Banka Bihari Das (20)
4. Sachidananda Misra (25)
5. Narayan Prasad Mahanti (30)
6. Narasingh Charan Mahanti (26)
7. Lokenath Misra (40)
8. Adikanda alias Nabaghana Behera (30)
9. Jadumani Jena (47)
10. Biswanath Parida (43)
11. Gour Charan Das (35)
12. Piari Mohan Das (27)
13. Dukhishyam Padhi (31)
14. Ramakanta Das (31)
15. Ghanashyam Patnaik (35)
16. Bhairab Charan Mahanti (29) ... Accused.

Charges under Sec. 120 B I. P. C. read with Rule 38 (5) of the Defence of India Rules and under section 117 I. P. C. read with section 436 I. P. C. section 126 of the Railway Act, section 25 of the Telegraph Act and sub rule (5) of Rule 38 of the Defence of India Rules.

For prosecution:—Mr. B. Mahapatra, Public Prosecutor.

JUDGMENT

This is a case under section 120 B.I. P. C. read with rule 38 (5) of the Defence of India Rules and under section 117 I.P.C. read with section 436 I.P.C., section 126 of the Railway Act, section 25 of the Telegraph Act and sub-Rule (5) of Rule 38 of the Defence of India Rules. It has been placed upon my file by the order of the District Magistrate, Cuttack acting within the powers which have been conferred on him by the Provincial Government under the Ordinance,

All the sixteen accused before me are members of the Congress party and the charge against them is that they were instigating the public to burn police stations, to uproot railway lines, to cut telegraph wires, to abstain from paying taxes and to induce Government servants to resign. These acts are punishable under the sections of the Penal Code and of other laws which I have already mentioned. The instigation to the form of distributing leaflets in which the public were instigated as above and hence the charge of a criminal conspiracy to make, publish and distribute prejudicial reports. There can be no doubt that reports containing the matters which I have set out are prejudicial and I do not propose to discuss this aspect of the question any further. This being in the main a charge of conspiracy against these accused, it is necessary first to ascertain whether there was a conspiracy, and, if that is established, to see which, if any, among these accused partook in the conspiracy. Again there can be no doubt that many of the objects of the conspiracy and the instigation were achieved. Evidence has been led upon all these points. It has not been contested so that I think it will be sufficient if I say what was done, without in each case referring to the witnesses who proved that it was done. The Police station at Bhandaripokhari was gutted by fire; an attack was made upon the police station at Nimapara in Puri district which was repelled; there were numerous instances of burning and destruction of Dak Bungalows, Canal Revenue offices and other Government buildings in the districts of Cuttack and Balasore. On one occasion a large crowd estimated at some ten thousand people entered Jajpur town. It assumed a threatening attitude and was only dispersed when an aeroplane arrived upon the scene. It was necessary for the police to open fire at Erum in the Bhadrak sub-division of Balasore district. There were other instances where the police had to exert force in the same district. There was cutting of telegraph wires in various places in the Cuttack district, notably in the Kendrapara sub-division. In addition, there were students' strikes, there was burning of records in the Ravenshaw College and the Sub Inspector at Puri received an injury from the crowd. These are some among the incidents which have been brought to my notice. Unless all these acts were due to some spontaneous outburst of popular feeling which is intrinsically unlikely, they provide very good evidence that someone or other was scheming and planning to bring them about. There is abundant evidence that such was indeed the case. The method adopted was to distribute all over the province bulletins which were in part an account of what had been done and in part an incitement to do more. Again there is ample evidence that these bulletins were in circulation all over the province. There is no evidence before me

that they were in circulation in the district of Koraput but there is evidence from every other district. It is the evidence of police officers who were upon the watch to seize these papers and to frustrate their further circulation. These documents have been produced and exhibited before me. I can see no reason to doubt that they were distributed. Again I do not think that it is necessary for me to go into detail in this matter and to overload this judgment by saying which Sub-Inspector discovered which particular bulletin in which place. It is, as I have said, established that these bulletins had the most wide circulation. It is obvious from a perusal of these bulletins that they were prejudicial. As I have said, they are partly the news sheet of a rebellion and partly merely inflamatory. They certainly contain all the matters which have been set out in the charge. It would be tedious and wasteful to cite long extracts. I will content myself citing a few. I may refer to Ex-17 which has the headline "Cuttack people ought to drown". This starts by a reference to what had been happening in Bihar where it is said that the people had truly responded to the call of the Congress. As a result no trace of railway lines or telegraph wires could be found between Jasidihi and Patna. Also post offices, police stations and Government offices had been burnt and destroyed. At the end, the tone changes and the people of Cuttack are reproved because they have not followed this example. Then again in Ex. 23 which is addressed to "Muslim brethren" reference is made to the repressions carried out by the Government on the Frontier and it is suggested, if I may say so somewhat disingenuously, that the Pathans should again be the rulers of this country after the destruction of the British Government. In Ex. 133, a bulletin which was issued on the occasion of Gandhi Jayanti, it is said that "the funeral pyre of this weak Government is burning in flames throughout the country. To-day tide of deluge is rushing in all over the country. At places Government buildings are razed to the dust and at places the Government is made a ghost of straw and burnt away. At places police stations and Courts, the resorts of Governmental oppressions are burning in flaming tongues. This fire is no more to be extinguished. This fire must wipe out foreign Government from this country. On the ashes of the Government, on the carcase of this brute administration, on the grave of this sinful kingdom will be erected the Government of farmers and labourers and the administration of justice and righteousness". I pass to ex. 134. This after some general matter passes on to the local Ministry. "The Parla Ministry" it says, "is existing in Orissa as the agent of the British. There is no popular support behind it. It is unlawful. Here it is functioning as the fifth column on the side of the British. It is responsible

for the slaughter of 100 men in the districts of Koraput & Cuttack. They have reduced hundreds of men of the side of Bari & Bhandari Pokhari to street beggars. They are responsible for the beating that is inflicted on the testicles of old men in Ersama. For the crimes for which they have been guilty, the members as well as the supporters of this Ministry should be assasinated. For the shameless anxiety that these people are showing for keeping the dead British administration alive in this country, they should be shot dead. But punishment by death has no place in non-violence. So boycott these people socially, insult them, arrest them for preventing them from this bad deed. Having dealt with the Ministers the author selected Khan Saheb Musaheb Khan, the Additional District Magistrate of Cuttack for attention. "Musaheb Khan, Additional Magistrate of Cuttack having devastated the Bari area has been hastening towards Ersama. He is an incarnation of oppression. He is the slave of the British true to the salt. His life is not safe any more. He is our brother. Arrest him for his safety. Detain him in the Azad Jail". I shall have more to say later with regard to this curious mixture of direct incitement to murder coupled with admonitions to mercy. This particular bulletin which is full of heat proceeds a little further on "Violate the laws of the Government, carry on meetings and processions in town and muffasils. Close the Bazars. Like revolutionaries rise in excitement, burn, the police stations, law courts, post offices and other offices of the Government. Remember that salvation lies in destruction. If you retreat, Gandhi's life will pass away. The Hat factory set up at Cuttack for supply to the war has been burnt. There were sixty thousand hats there.—Stop all efforts for the war. Do not become soldiers. Set fire to the aerodrome at Chauduar". After this advice an account is given of an independent Punchayat that had been proclaimed in Dhusuri in the Bhadrak sub-division. It then goes on to another matter to which I have referred, that is the incitement of Government officers to abandon their duty. It is said that "The people of the Ersama Police station surrounded the District Magistrate of Cuttack and demanded of him to give up service. He has taken seven days' time more to taste the sweetness of slavery". I should hasten to say at this point that I have no reason to suppose that this allegation against the District Magistrate of Cuttack has any truth whatsoever. I merely quote it here as an instance of the type of matter that were being promulgated. Further on in the same bulletin there is a direct incitement "Indian Officers! Will you remain tolerating this slavery?" The next bulletin Ex. 139 is quite frankly entitled "Open Rebellion". People are recommended to form independent punchayets, to burn all processes issued from the Courts and the uniforms of all Chaukidars and

Daffadars. They are also told to capture thanas, Dak Bungalows, Canal Revenue Offices and Sub Registrar's offices, Further they are to occupy the Civil Courts and the Collectorates in the Sadar towns. Befors this is done, railway bridges, wires and post offices are to be cut or burnt. These matters are set out in more practical form in Ex. 148 and Ex. 152. Ex. 148 is an instruction to persons conducting Congress affairs. It starts with certain administrative instructions. It then goes on to say that the only restriction that need be observed is that personal violence must not be used and finally these Congress leaders were told to arrange to cut railway lines, roads and passages and telegraph wires. Accompanying this document was a special instruction on the capture of thanas. Great emphasis is laid on the point that the thanas are the backbone of the provincial administration and that if these are disposed of, little more need be feared. It is therefore suggested that five or six hundred people should be collected and taken to the thana. Before they arrive, all communications with the thana should be cut and the Post offices should be raided to prevent the authorities from giving information. It is also said that these five or six hundred people should take lathis or sticks with them because that would add to their courage and boldness. The leader, however, is to be extremely careful to see that no one among these five or six hundred people should go so far as to use the lathis. The next bulletin with which I will deal is addressed to officers of the police and the Jail department and is a direct incitement to them to resign and it is accompanied by an appeal in English to all Government servants with the same object which purports to have been issued by one Bhariab Charan Mahanti, the sixteenth accused in this case, who was, until August last, an assistant in the Secretariat. I do not think, although I could give numerous extracts from other bulletins which have been filed in this case, that there would be any point in my doing so. The fact that such papers have been found in circulation all over the province shows quite clearly that the acts of viclence or intimidation or intended intimidation to which I have reflerred were not spontaneous outbursts. They were carefully nurtured and prepared.

An attempt appeares to have been made during cross examination to suggest that these acts were not the result of the propaganda which I have described but that they were due to the indignation of the public at the Police opening fire. It so happened that before the end of the trial the accused abandoned their defence. I do not know therefore what line of argument would have been taken, but it is quite clear that the majority of these acts took place before the police ever resorted to fire arms. I think therefore that it has been well proved that there was a conspiracy with the objects

named in the charge. It will be necessary therefore to consider the evidence against each of the accused. Before I do this, however I propose to deal with two general matters. The first relates to the proof of the handwriting of the accused. This has been proved in two ways, partly by the evidence of persons who know these men's writing and partly by the evidence of the Handwriting Expert who is attached to the C. I. D. of Patna. I am perfectly satisfied with the evidence of the Expert and with the evidence of all the witnesses except two. One of these is a clerk in the Collectorate who came to speak to Surendra Nath's handwriting but who did not seem to me to have had any good opportunity of being acquainted with it. The other was P. W. 81 J. K. Ghosh, who was cited to speak to the handwriting of the accused Piari Mohan Das but who said that he did not know it. Be that as it may the handwriting both of Surendranath and Piari Mohan Das has been sufficiently identified by other means. The accused were still defending themselves when the Expert was being examined and I could not detect any serious criticism of his evidence. I am therefore satisfied that the handwritings in this case are well proved.

The next general question is the final attitude taken up by these accused. This trial pursued along the normal and somewhat tedious course of a warrant case. The accused were defended by some five or six advocates and pleaders. This state of affairs continued until the close of the prosecution evidence. That evidence was completed last Friday and on Saturday I proceeded to take the statements of the accused. None of the accuseds' lawyers were in Court and when I started to question Surendra Nath Dwivedi, the first accused, he read out a statement in which after some rather fulsome compliments to myself he stated that in the opinion of the accused I was harassed between my duty to justice and my apprehension of the employer I serve. For this reason the accused had decided to take no further part in the trial. I warned Surendra Nath Dwivedi who is a man of intelligence and fully able to understand these things that while he was not bound to answer any question put by the Court, the Court was entitled to draw certain assumptions if he had no answers to make. He appeared to understand the position but persisted in his attitude and all the other accused, as I questioned them one by one, said that Surendra Nath's statement had been made on behalf of them all. As it appeared that none of these men proposed to answer any specific question which I might put to them, it seemed to me to be a mere waste of time and of paper of which the latter at least is now a valuable commodity to put these detailed questions. I therefore refrained from doing so. I regret that the accused

should have come to this decision. It would have been better if they had allowed their counsel to state their case. However, it was a decision that they were competent to make and they have made it. At this point I will indulge in a little speculation as to the cause of this sudden change of attitude. One of the witnesses to be examined upon the last day was J. K. Ghosh to whom I have referred. He was to have proved the writing of Piari Mohan Das. As I have said, he did not do so. It seems to have been the prosecution case that this Ghosh who lives some miles outside Balasore was in the habit of stopping when in Balasore with Piari Mohan Das's employer. He said, however that it was very rarely that he did this as it was his habit to stay with Mr. Charu Chandra Roy a connection of his by marriage. The learned Public Prosecutor, presumably to lay a foundation for treating this witness as hostile, asked him whether it was not a fact that Mr. Charuchandra Roy was a Congressman. The witness who was clearly an educated man said that he did not know. There are types of perjury which arouse the just indignation of the Court. Mr. Charuchandra Roy is a leader of the Balasore Bar and a Congress M. L. A. This is a well known fact. It must I imagine be known to every man, every woman and every child in Balasore. It must certainly have been known to this educated relation of Charu Babu who was so often a guest in his house. Indeed it was not long before I forced this man to admit that he knew all these things and I must frankly admit that I handled this witness very roughly indeed, though not more roughly than a deliberate perjurer deserved. It may be, however, that the accused, who must have regarded this person as a sympathetic witness, became somewhat alarmed. I repeat that if this was the effect, I regret it, but no Court can indulge in politeness to a false witness for fear of injuring the delicate susceptibilities of the accused.

I now come to the case of Surendranath Dwivedi, the first and principal accused. He was the head and centre of this conspiracy. He took a ticket from Cuttack to Bombay on the 3rd of August which would have enabled him to reach Bombay for the opening of the A. I. C. C. meeting on the 6th of August and in spite of the most strenuous efforts of the police he was not found until he was arrested in a house in Alisha Bazar sometime in October. A very large number of documents have been found which implicate him thoroughly.

The first of these is Ex. 104. This is in his handwriting and purports to have been issued from C. O. to B. O. I do not think it is straining inference too far to suppose that C. O is the Central Office and B. O. the Branch Office. The Branch Office in this case was the Balasore office and there is reason to suppose that

the recipient or intended recipient of this letter was Gour Charan Das. I shall deal with this aspect later. The Branch Office is first instructed to cut off communications and in particular the Calcutta Mail. It is suggested that railway lines should be removed at two or three places and the lines carried a long distance or thrown into a big tank. Next there are instructions as to undertaking propaganda followed by a direction to circulate the news of the capture of thanas and an order to capture more thanas.

"Ex. 107 is a post card written in the train. It refers to the arrest of one Jaikrishna who was caught with prejudical reports outside Puri station.

Ex. 77 is a Congress bulletin. It apparently was being sent to Ghanashyam Patnaik in Ganjam with an endorsement upon it in Dwivedi's handwriting.

Ex. 78 is an intercepted letter addressed to one Sailendra Nath Sen in Calcutta. It is written by Surendra Nath and bears his initials. In it there are instructions as to the way in which money should be sent from Calcutta and a reference to certain suggestions as to what should be done in Talcher. It is stated that an attempt will be made to raid Cuttack town and Government offices on Gandhi's birth day and a question is asked as to whether the A. I. C. C. has any definite programme for that day.

Ex. 87 is a letter to Ghanashyam Patnaik in Ganjam. It refers to an unfortunate mistake of Ghanashyam who addressed a letter to the Cuttack Emporium apparently instead of the Book Emporium on account of which the letter had fallen into police hands. Ghanashyam was told not to use that accommodation address any longer. Surendranath says he is arranging a big coup in Cuttack. A bulletin was enclosed.

Ex. 92 is a letter to accused Nishamani Khuntia. It is a long letter and refers generally to what had been done and should be be done. It also refers to money and says that Rs. 15/- had been sent that day to the address supplied to Nishamani. A money order for Rs. 15/- in the handwriting of accused Banka Bihari Das has been recovered. There is also a reference here to arrangements made for distributing letters and bulletins.

Ex. 111 is a letter to the workers of Puri giving them news of what had happened elsewhere saying that he hopes that the burning business will be over by the 2nd of October and instructing the Puri people to arrange a complete hartal that day.

Ex. 121 is a letter from Ghanashyam to Surendranath saying that work has been arranged and has been held up for want of funds.

Exs. 130 and 131 are letters in Surendranath's handwriting referring to the receipt of money from two people Nabaghana Babu and Bhagbat Charan Mahanti.

Ex. 199 is a letter of Surendranath which was found at the search of Narsingh Charan Mahanti's house asking him whether arrangements had been made for work round Jajpur and directing him to make over the cycle of the District Congress Committee to one Gobind. He is further directed to make arrangements about sending letters' distributing leaflets and inciting the public to stop paying rents.

Ex. 225 is a letter to Puri workers.

Exs. 148 and 152 are the general instructions to Congress workers and the speeific instructions about the capture of thana to which I have already referred.

All these are in the handwriting of Surendra Nath.

There are other documents to which I have not referred. Besides all this, there were a number of papers recovered when the Police searched the house in Alisha bazar where Surendranath Dwivedi was ultimately found. There was evidence that bulletins were being published and cyclostyled at that address, for a large number of copies both fully prepared and half prepared of Bulletin no. 17 were found. Besides all this there was a large number of leaflets in English, Hindi and Oriya and copies of resolutions of the A. I. C. C. and of the Congress Working Committee. The house was supplied with stamps, envelopes and paper. There was a list of accommodation addresses and a list of Congress workers of the Cuttack District. There was also a letter from accused Lokenath Misra and a letter from Piari Mohan. I think the fact that these half prepared copies of Bulletin no. 17 were found in the house show conclusively that Surendranath Dwivedi was responsible for the publication and circulation of the bulletins. The other papers to which I have referred show equally conclusively that he was directing the campaign. Without doubt he is guilty.

The next man is Nisamani Khuntia.

A letter to him by Surendranath was recovered. In Ex. 82 Surendranath complains that he has received no information from Nishamani Khuntia about the collective fines imposed in the Ainipur area and what was the popular attitude. He had not even got

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a report about the Ersama raid. Nishamani is asked if he has heard from Gobind and it is said that Gobind assured him that there would be regular information about the arrangements made regarding raiding of Police stations at Tirtol, Gobindpur and Jagatsingpur simultaneously. Nishamani is instructed to arrange for Hartals and setting up independent Panchayats.

The next letter to Nishamani from Surendranath is Ex. 92 to which I have already referred. Arrangements were made in this letter to send money to Nishamani and the money was sent. I have said how it was sent. Ex. 92 is a very long letter which refers to all the activities of the rebellion and specially to arrangements about leaflets and to arangements about communication between the rebels. This is the evidence against Nishamani and I think it is amply sufficient for a conviction.

Banka Bihari Das is the third accused. He did not take a principal part in these transactions but seems rather to have been the man who addressed envelopes and sent money orders. He it was who sent a money order to the father of the accused Adikanda alias Nabagghana Behera in a village in Dhenkanal State. The envelopes containing Exs. 78, 82, 92 the money order coupon Ex. 95 were in the handwriting of this man. Clearly he was the office boy in this organisation.

The fourth man is Sachidananda Misra.

There is not much evidence against this accused. In Ex. 12 (a) which is a letter addressed to Surendranath it is said that one Sachi Babu will undertake the distribution of Balasore leaflets. I would not like to estimate the number of Sachi Babus to be found in these parts. I think he must be acquitted.

With regard to Narayan Prasad Mahanty, the fifth accused, a letter Ex. 140 referring to enrolment of members is in his writing and in the search of the premises he occupied a very large number of bulletins were found including bulletins inciting people not to pay fines and address to Chaukidars. Bulletin No. 11 in the series that were issued and other papers. I think he must be convicted.

The sixth accused Narsingh Charan Mahanty is referred to in Ex. 82, a letter of Surendranath, as one of the messengers and a letter of Surendranath Dwivedi was recovered from Narsingh Charan's house. A witness P. W. 24 has come forward to say that Narsingh Charan asked him to keep letters although none were sent to him. I think that the evidence is sufficient to convict him.

Lokenath Misra, the seventh accused, is a member of the Legislative Assembly. He is mentioned in the list of Congress workers, ex. 18, and in Ex. 92, Surendranath's letter to Nishamani Khuntia. It is said that Lokenath had arranged for the distribution of letters. There is also a letter from Lokenath to Surendranath, but this is a harmless document.' Nevertheless, there is good evidence here to show that he was engaged in the distribution of this conspiracy. He must be convicted.

Adikanda alias Nabaghana Behera, the eighth accused, comes from Dhenkanal State. He could not be found in August and September although the Police wanted him. He was discovered along with Surendranath Dwivedi in the house in Alishabazar when the latter was arrested. Considering the large amount of prejudical matter either already made or in the course of manufacture that was found in the house, it cannot be supposed that Surendranath would allow a mere servant to be present. I think there can be no doubt that Nabagahana Behera was an active member of this conspiracy and must be convicted.

The ninth accused Biswanath Parida comes from Puri where apparently he was the local leader. A letter in his handwriting Ex. 40, has been recovered. He says that the shop kepper who provided an accommodation address had been arrested, that people had been sent all over Puri district for propaganda and that two people had died as a result of the incident at Nimapara. He also says that there was a dearth of workers and some College students should be sent from Cuttack. As for himself he had become so ill that it would be better if he went to Jail. The authenticity of this letter is confirmed by the fact that Biswanath Parida came and lay down in the verandah of Puri Thana where he was arrested, It has been shown by P. W. 51 that Biswanath Parida and others used to congregate at the Nua Muth and the Sub-inspector seized a letter that was being delivered to a person living in the Muth. It is clear in my view that Biswanath Parida is guilty.

The tenth accused Jadumani Jena who also comes from Puri must be acquitted. There is only one piece of evidence against him and that is found in Ex. 40 which is Biswanath Parida's letter where after saying that he proposed to go to Jail he proceeds "If I go, Sri Sridhar Rath and Jadumani Jena will remain in-charge of this place. Beyond this there is no evidence against Jadumani Jena.

The eleventh accused Gour Charan Das is the first of the batch of accused who came from Balasore. There is evidence that Gour Charan was the Secretary of the Balasore District Congress

Committee though I gather from some of the cross examination that he does not admit this. I think there is no doubt that Ex. 104 the letter by Surendranath to which I have referred before, was addressed to Gour Charan. This is a letter from C. O. to B. O. and is dated the 22nd of August. It was intended for Balasore. The first sentence is "I. hope you have reached safely". There is evidence from people watching the movements of Gour Charan both in Balasore and in Cuttack that he left Balasore for Cuttack on the 16th of August and came back on the 18th. I think these facts entitle me to suppose that he was to be the recipient of this letter. I will not repeat what I have said about this letter, for it is quite clear that the recipient of this letter was implicated in the conspiracy. A number of bulletins, exs. 249, 250, 251, 248, 277 were issued over what purports to be signature. Ex. 266 is a letter in Gour Charan's handwriting and is addressed to Piari Mohan Das, another of the Balasore accused. He says that after Piari and others had gone away a C. I. D. came and enquired of him and he therefore left home and went elsewhere. All this evidence is more than sufficient for his conviction.

The next accused Piari Mohan Das is of course implicated by Ex. 266 written by Gour Charan. He was the writer of Ex. 14 a very long letter addressed to C. O., presumably Surendranath, describing in great detail what had been going on in the Balasore District. This is followed up by another long dispatch from Balasore. No one would have written these letters who was not implicated. Piari Mohan is clearly guilty.

The thirteenth accused Dukhishyam Padhi is the recipient of two letters, one Ex. 237, is in the handwriting of Gour Charan Das and is also evidence against him. Gour Charan gives Dukhishyam a very sound ticking off in this letter. He has made no proper arrangements about sending letters; he has sent reports to Cuttack without instructions and what is worse he has sent a false report that the thanas at Basudebpur, Dhusri and Jaleswar had been burnt. The next letter is from one Rama Kanta Das, another Balasore conspirator, who is also somewhat annoyed with Dukhishyam. He makes some statement about meetings and he also says that he is enclosing a pamphlet which Dukhishyam is to get Piari Mohan to have lithographed. This evidence is quite sufficient to hold Dukhishyam Padhi guilty.

The fourteenth accused Ramakanta Das, the last of Balasore batch, is of course implicated by Ex. 238, the letter to which I have referred. Morover, P. Ws. 62 and 63 say that one Kalindi read out a paper written by Ramakanta at a meeting. Ramakanta Das must be convicted.

The next man Ghanasyam Patnaik was the Secretary of the Ganjam District Congress Committee. A vast amount of papers were seized from a house where he lived, which shows this. It was not of course an offence to be a Congress Secretary before August 9th. There is plenty of other evidence against him. He was, for instance, the recipient of Exs. 148 and 152, the general instructions to Congress workers and the special instructions for the capture of thanas. He was the recipient of two bulletins and of the "Last Message of Gandhi". He it was who had the misfortune to address a letter intended for Surendranath to the Cuttack Emporium instead of the Book Emporium and thereby render useless an accommodation address. He was the recipient of two letters Exs. 77 and 87 from Surendranath with which I have already dealt. He is guilty.

I should remark at this point in connection with Biswanath Parida and Ghanashyam Patnaik that they cannot be convicted under Section 117 I. P. C. because though the evidence does establish that the centre of this conspiracy was at Cuttack in Alishabazar so as to give me jurisdiction, yet the instigation by these people was done beyond my jurisdiction. On this ground these two men must be acquitted of the charge under section 117 I. P. C.

The last accused is Bhairab Charan Mahanti. He was an Assistant in the Education Department in the Secretariat and was at Sambalpur last August. He addressed a letter to the Secretary in that department resigning his office and indicating that he would devote his energies to propaganda work in the Secretariat establishment. This letter which was written early in August does not show that he was a member of this conspiracy. Nor beyond a pamphlet purporting to be over his signature is there any evidence that he ever carried out his intention. There is, however, reasonable evidence that this is his individual effort because in Ex. 155, a letter to Surendranath's accommodation address, part of which is in his handwriting, there is a reference to an appeal to Government servants and a list of people to whom it should be sent. I think therefore that he must be convicted.

The result is therefore that all these accused with the exception of No. 4 Sachidananda Misra and No. 10 Jadumani Jena are convicted of the charge under section 120 B.I.P.C. read with sub-Rule (5) of Rule 38 of the Defence of India Rules. All the accused except no. 4 Sachidananda Misra, No. 9 Biswanath Parida, No. 10 Jadumani Jena, No. 15 Ghanashyam Patnaik, No. 16 Bhairab Charan Mahanti are convicted under Sec 117 I.P.C. Although Bhairab Charan committed the offences within my jurisdiction as Sessions Judge, he did not commit them within my jurisdiction as

Special Judge. Sachidananda Misra & Jadumani Jena are acquitted and will be set at liberty unless they are liable to be detained for any other cause.

There only remains the question of sentence. I have been watching these men closely during the many days of this trial. I think that according to their lights they have been acting honestly. I think also that they have all supposed that they have been acting under the instructions of people whom they respect and whom they feel themselves bound to obey. In many, indeed in nearly all the bulletins the activities that I have described, the uprooting of railways, the burning of police stations, the seizure of Government offices are referred to as the response of the people to the Congress call. In Ex. 104 the letter from Surendranath Dwivedi to Gour-Charan Das in Balasore it is said "Yesterday a man came here from the A.I.C.C. I met him. They have received a special instruction from Gandhiji. It is that the movement should anyhow be finished before October." He then immediately proceeds to refer to the destruction of communications in Bihar and to the necessity of cutting the line between Calcutta and Cuttack. It may well be that Surendranath Dwivedi considered himself bound by the orders of his superior officcrs. A bulletin purporting to be from the All India Congress Committee was seized from the house in Alisha-bazar in which the interruption of communications and riots are referred to with apparent approval. There was also a pamphlet in English "India Declares War" found in the house which purports on the back page and elsewhere to circulate the instructions of Gandhi. There it is said that deadlock should be created in Government machinery in railways, posts and telegraphs and the police. Even if I regard these accused as men who felt bound to obey orders, this is no excuse for their crime. There can be no doubt that the bulletin which is headed "Open Rebellion" accurately described the situation. The object of these people was to paralyse the operations of Government and to paralyse them by the use of violence. I am well aware that in many places in this case it is stressed that personal violence must never be used. I do not know, however, how these men expected to uproot communications to capture police stations and even to capture the aerodrome at Charbatia without the use of violence. It may be that there was some idea of using persuasion upon the police through the events which occurred at Nimapara and at Bhandaripokhari do not lend any support to this notion. Even if there was this idea, it is clear from the numerous references to the burning of police stations and specially from the detailed instructions, Exs. 152, that whether the police were persuaded or not, the thanas were to be captured. These special instructions about capturing thanas are indeed a

reductio absurdum of the doctrine of non-violence. For the non-violent creed a crowd selected from people who, as Suredranath Dwivedi himself laments in one of his letters, have no political consciousness, were to take lathis and sticks to aid them in carrying out their non-violent purpose. No one could suppose that an armed crowd of rustics would refrain from violence and in the event they did not. These accused were either prepared to use violence to achieve their end so that their references to non-violence are merely hypocritical or they were deficient in intelligence. Some of them at any rate are not. They have attempted a rebellion and they must suffer the consequences.

I therefore convict Surendranath Dwivedi under sec. 120 B I.P.C. read with sub-Rule (5) of Rule 38 of the Defence of India Rules and sentence him to five years' R.I. I further convict him under section 117 I.P.C and sentence him to one year's R.I. sentences to be consecutive.

I convict Biswanath Parida, Ghanashyam Patnaik and Bhairab Charan Mahanti under section 120 B I.P.C. read with rule 38 (5) of the Defence of India Rules and sentence them to four years' R.I.

I convict Nishamani Khuntia, Bankabihari Das, Narayan Prasad Mahanti, Narsingh Charan Mahanti, Lokenath Misra, Adhikanda alias Nabaghana Behera, Gour Charan Das, Pirari Mohan Das, Dukhishyam Padhi and Ramakanta Das under sec. 120 B I.P.C. read with Rule 38 (5) of the Defence of India Rules under section 117 of the Indian Penal Code and sentence them to four years' R.I. on the first count and one year's R.I. on the second count. Sentences to run concurrently.

The accused are recommended for the First Division (Political).

The remaining two accused Sachidananda Misra and Jadumani Jena are acquitted.

I must thank the learned Public Prosecutor for the assistance which he has given me in this case and express my appreciation of the able, thorough and very fair investigation conducted by Mr. Gangadhar Dwivedi, Inspector C.I.D.

SD. J. E. MAHER,

Special Judge.

23-3-43.

APPENDIX B

APPENDIX B

In the High Court of Judicature at Patna

CUTTACK CIRCUIT.

Criminal Appeal No. 15 of 1943 (Cuttack)

From a decision of J. B. Maher, Esqr., I. C. S., Special Judge of Cuttack, dated the 23rd March, 1943.

1. Lokanath Misra
2. Bhairab Charan Mohanti
3. Banka Bihari Das
4. Narayan Prasad Mohanti,
5. Biswanath Parida,
6. Narasingha Charan Mohanti,
7. Piari Mohan Das, and
8. Dukhishyam Padhi

} Appellants.

Versus

THE KING EMPEROR.

For the appellants : Mr. D. Sahu

For the Crown :— The Advocate General.

PRESENT

The Hon'ble Mr. Justice Chatterji
The Hon'ble Mr. Justice Sinha.

This is an appeal on behalf of eight persons who along with eight others, were tried by the Sessions Judge of Cuttack-Sambalpur, functioning as the Special Judge of Cuttack. Of the sixteen accused persons, two were acquitted, and the remaining fourteen were convicted, of whom only eight have come up in appeal. The appellants have been convicted and sentenced as follows:—The appellants Lokanath Misra, Banka Bihari Das, Narayan Prasad Mohanti, Narsingha Charan Mohanti Piari Mohan Das and Dukhishyam Padhi have been convicted under section 120B of the Indian Penal Code, read with rule 38(5) of the Defence of India Rules and under section 117 of the Indian Penal Code and sentenced to four years rigorous imprisonment on the first count and to one year rigorous imprisonment on the second count; the sentence to run concurrently. The remaining appellants Biswanath Parida and Bhairab Charan Mohanti have been convicted under section 120B, read with rule 38 (5) of the Defence of India Rules, and sentenced to four years' rigorous imprisonment.

The prosecution story, mainly, is contained in the evidence of prosecution witness No. 1, Gangadhar Dwivedi, Inspector of Police, Special Branch, C.I.D., who is the investigating officer in this case. It is to the following effect. The All India Congress Committee and its subordinate organisations like the Utkal Provincial Congress Committee and the District Congress Committees of the different districts of the province of Orissa were declared unlawful associations by Government notification published in the Orissa Gazette, dated the 9th August, 1942 (exhibit 1). One of the accused in this case, named Surendra Nath Dwivedi, was a member of the All India Congress Committee. After the Congress organisations aforesaid had been declared unlawful associations, Surendra Nath Dwivedi planned a secret organisation with headquarters at Cuttack and branches all over the province of Orissa. Dwivedi was described as the C.O., meaning perhaps the Central or the Chief Organiser and persons in charge of the branches of the central organisation were called B.Os. or Branch Officers or Branch organisers. They selected certain persons to be used as "accommodation addresses," that is to say, persons who would not be suspected by the police as being members of the Congress organisation which had been banned. Letters, leaflets and bulletins were to be sent to those accommodation addresses and then distributed and published in different parts of the Province through their field workers. It appears that the C.O. was to receive reports from the B.Os. as to the happening in different parts of the Province which would interest the organisation and those reports would be incorporated in bulletins to be issued by the C.O. and then published through the branch organisation. The prosecution case is that the organisation was intended for asking people to indulge in different kinds of acts of sabotage; for example, effecting strikes in schools and colleges, asking Government servants to resign their posts, taking possession of thanas, burning public records in offices like thanas, registration offices, railway stations, and removing railway lines and fish plates with a view to interrupting and, if possible, stopping the running of railway trains. It is alleged that large mobs attacked police stations, burnt college records, police beat houses, revenue rest shades and removed fish plates from the railway lines in different parts of the Province. The details of these occurrences are given in the statement of the police witnesses examined in this case, particularly of P.W. 1 the investigating officer. It is also stated by the investigating officer that the accused persons occupied different positions in the Congress organisation. Lokanath Misra is said to be a member of the Legislative Assembly on Congress ticket. Bhairab Charan Mohanti was an assistant in the Orissa Secretariat, and he resigned his post on the 12th August 1942, vide exhibit 3. Banka Bihari Das is said to be a Fourth Year student of a college.

Narsingha Charan Mohanti is said to be an ex-Secretary of the Cuttack District Congress Committee. The Chief Organiser of the conspiracy, Surendra Nath Dwivedi, had been ordered by the Government to be detained under rule 26 of the Defence of India Rules, vide exhibit 4 ; but as he had made himself scarce, searches were made in different places for him unsuccessfully, with the result that processes under section 87 and 88 of the Criminal Procedure Code were issued against him, and duly published. On the 7th October, 1942, a C.I.D. Sub-Inspector of Police (P.W. 3) intercepted a money order from Cuttack R.M.S. Rs. 15. As a result of that accused Banka Bihari Das was traced and arrested under rule 129 of the Defence of India Rules on the 8th October, 1942 and as a result of his house search, a fountain pen (exhibit 1) and certain other papers were seized from the Kalyanpur mess where he used to reside. Soon after, on the 11th October, 1942, a house in Alisha Bazar was searched by P.W. 1 with the help of a number of police officers and search witnesses. It is said, as soon as the main door was opened Surendra Nath Dwivedi and another accused, Adikanda Behera, were found busy there, preparing bulletins with the help of cyclostyle. As soon as the police party entered the house, Dwivedi was seen tearing out certain papers and throwing them away. The police party arrested them and then seized certain articles including the following :—the torn pieces of paper which have been pasted and reconstructed as exhibit 12; certain pencil writings by carbon process (exhibit 13); certain leaflets (exhibit 17) workers' list (exhibit 18); lithographed Oriya bulletin (exhibit 19); certain other important leaflets (to be noticed—in detail here-in-after); a bundle of papers and carbon paper and ink with other accessories of cyclostyle apparatus and the apparatus itself as also half prepared Oriya bulletin (318 pages) exhibit 44; and fully prepared bulletin No. 17 (300 copies) exhibit 45. A complete description of the articles seized in the house occupied by Dwivedi and the other accused aforesaid is contained in the evidence of P.W. 1. As the police party had succeeded in unearthing the Central Organisation and its leader with the help of the papers seized and further information secured by the police, a number of people were arrested. On the 11th of October, 1942, at 9 p.m. P.W. 1 lodged the first information report at Police Station Sadar, District Cuttack, in which only Surendranath Dwivedi was named as the accused, charging him with subversive activities etc. and inciting the public to burn police stations, etc. The first information gives the details as to how the house was raided and searched, leading to the seizure of certain papers and the discovery of the secret organisation aiming at acts of violence and sabotage and inciting the public to commit such acts. The first information

report also disclosed how Surendranath Dwivedi, after the last meeting of the All India Congress Committee at Bombay "went underground" and was engaged in promoting subversive activities in the country, namely inciting the public to burn police stations, post offices, and other public buildings and cutting off communications etc., by issuing leaflets and bulletins, and ultimately charging him with having formed a deep-laid conspiracy by organising workers in the districts of the Province of Orissa and promoting lawlessness in the country. Of the appellants, Biswanath Parida was arrested at Puri on the 26th September, 1952 (it does not appear from the evidence how he was arrested even before the present case was started); Dukhishyam Padhi was arrested at Balasore on the 8th of October, 1942; Narayan Prasad Mohanti was arrested on the 14th October 1942 by Tirtol Police; Narsingha Charan Mohanti was arrested by sub-inspector Kissennagar on the 18th October, 1942, Piari Mohan Das was arrested at Balasore on the 17th October 1942; Lokanath Misra was arrested at Cuttack town on the 5th December, 1942; and Bhairab Charan Mohanti was arrested at Sambalpur on the 7th December, 1942. After the arrest of the accused persons aforesaid, their specimen handwritings were taken with a view to the same being compared with certain other handwritings said to have been seized by the police during the searches of their respective houses. The specimen writings, and a large number of documents said to have been seized by the police during the searches of the several houses occupied by the accused on their arrest, were sent for comparision to the handwriting expert to the Government of Bihar (C.I.D.) at Patna. I will have to discuss the question of the comparison of handwritings by the expert later in the course of the judgment when dealing with the points raised on behalf of the appellants. After conducting an elaborate investigation, extending over the length and breadth of the Province, the investigating officer submitted charge sheet against the accused who were put on trial before the Special Judge under the orders of the District Magistrate of Cuttack, in the exercise of powers conferred upon him by Ordinance No. II of 1942.

The trial was held as a warrant case, and the following charges were framed against them :—

First. That you between the 8th of August and the 5th of December 1942 at Cuttack and elsewhere within my jurisdiction instigated the public generally by means of leaflet, bulletin and otherwise to burn police station, uproot railway lines and cut telegraph lines, to abstain from paying taxes and to ask government officers to resign and thereby to commit offences punishable under Sec. 436 of the Indian Penal Code, Section 126 of the Railway Act, Section 25 of the Telegraph Act and Rule 38(5) of the Defence of

India Rules and thereby committed an offence punishable under Section 117 I. P. C. and within my cognizance.

Secondly. That you between the 8th of August and the 5th of December 1942 at Cuttack conspired together with the object of making, publishing and distributing prejudicial reports, offences punishable under Rule 38(5) of the Defence of India Rules and thereby committed an offence punishable under section 120B of the Indian Penal Code read with section 38 (5) of the Defence of India Rules and within my cognizance".

It was an elaborate trial, extending over sixteen days, in which 83 witnesses were examined for the prosecution and a large volume of documentary evidence, running into more than 300 exhibits, was adduced.

It appears that the accused were represented at the trial by a number of lawyers who cross-examined almost all the prosecution witnesses including the handwriting expert (PW 82) but on the last day of the trial, it appears, the accused took up a very unreasonable attitude of non-co-operation with the court, with the result that the court below was deprived of the lawyers on behalf of the accused in presenting their case and their view point before it. The reason for this attitude on behalf of the accused, as stated by the learned judge is that one J. K. Ghosh (P. W. 81), while in the witness box, made certain statements which the court considered to be deliberate perjury. The court put to him very searching questions to demonstrate that he was a liar, and upon this the accused decided not to take any further part in the proceedings of the court with the result that of the 16 accused persons only their alleged leader, Surendra Nath Dwivedi, after refusing to answer the questions put by the court, read out a prepared statement to the following effect :—

"From the beginning we did not expect justice from the administration of a Government which we consider to be our enemy, so we did not want to take any part in the trial. But when it was pronounced that the case would be tried by you we thought of defending ourselves. We had heard much about your reputation as an impartial and upright judge with a very judicious mind but certain things have occurred in the course of this trial from which we find that you are feeling helpless. Having your judicious mind one way and the Government under which you have unfortunately placed your service, so we consider it to be our duty not to take any part in the trial from this moment thereby relieving you from the difficult position and helping our countrymen and have their confidence in you created. We have instructed our lawyers accordingly".

All the other accused persons contented themselves by saying that they adopted Surendra Nath Dwivedi's statement aforesaid. All of them informed the court that they did not want to examine any witnesses, in defence. On this attitude of the accused, the learned judge refrained from putting any detailed questions to each individual accused. It would have been better if the learned judge had put the incriminating documents to the individual accused even though they may have refrained from answering the questions. The court in that case would have been entitled to draw its own inference from the refusal to answer those specific questions. Be that as it may the learned judge proceeded to hear the arguments on behalf of the Crown which occupied him for the last day of the hearing on the 22nd of March 1942, and on the next day he delivered judgment acquitting 2 but out of the 16 accused persons and convicting the remaining 14 and sentencing them as stated above except that he inflicted sentence of imprisonment of five years upon the accused Surendranath Dwivedi on the first count; whereas on the others he had passed a sentence of only four years' rigorous imprisonment, apparently because he considered him to be the ring leader. Out of the 14 convicted accused as already stated, only eight have come up in the appeal to this Court, the other six remaining satisfied with the judgment passed by learned judge below.

The first question which arises for decision in this case is whether there was such a conspiracy as alleged by the prosecution. On this question, apart from the large volume of oral evidence adduced on behalf of the prosecution to show that not only there had been such a conspiracy, but that as a result of the conspiracy a large number of cases of arson and unlawful assemblies had occurred. There is a large volume of documentary evidence in the shape of bulletins and leaflets seized from the so-called Central Office as also from the houses occupied by the different accused at the time of their arrest, or from the places of their ordinary residence, which prove beyond the shadow of a doubt that there was such a conspiracy. Such evidence is much too voluminous to be dealt with in detail in this judgment but I propose to give certain quotations from some of the selected documents aforesaid which give a clear idea of the object aimed at by the conspirators. It will appear from a perusal of those documents that they are full of mis-statements as to events said to have happened elsewhere as also within the Province and of apparent approval of the misdeeds recited therein, and, finally, in acts which are nothing short of open revolt against Government established by law :—

" The inhabitants of Cuttack should drown to death. If you had eyes and ears, you would have seen and heard what has come about upon the people of Bihar in the localities of Patna, Chapra, Muzaffarpur, Bhagalpur Samastipur, Arrah, Balia and Gorakhpur. How gladly have the people of those places grown excited at the struggle of the Congress and at the call of independence. From Jasidih up to Patna not a trace will be available of the railway lines, stations and wires. Thousands and thousands of people have brought about destruction to the post offices, police stations, and government offices of these districts by burning them. This is not all. Seeing this heroic deed of theirs, the Englishmen themselves were flying from their homes with their wives and children......

Exhibit 26

"Do or Die"

" Country's own Daily—True army of the people No. 20 Calcutta

Tuesday, September 29, 1942—Price ½ Anna

HANGING OF FIVE OFFICERS OF THE INDIAN RED ARMY Nagpur, September 27. Today, the white hangmen judge of the foreign government has convicted and sentenced five officers of the Indian Red Army to death and four officers to transportation for life. These nine patriots were charged by the wicked government of being responsible for the rebellion on the 14th August in which arms were snatched away from the enemy. Anyhow the enemy had to get rid of these nine brave patriots and hence they were charged with offences according to the enemy's wish."

Exhibit 133

GANDHI JAYANTI—2-10-42

" To-day the funeral pyre of this feeble government is burning all over the country in flames. Everybody today having shed away the illusion of remaining alive is burning away, at the call of the leader, the sinful Lanka of this government. At places government buildings are levelled down with the ground, at places the government is made a ghost of straw and is being burnt away, and at places police stations and *Kutcheries* which are the haunting resorts of the government are burning aflame. This fire is not to extinguish any more. This fire will certainly wipe out the foreign government from the country. On the ashes of the government, on the carcasses of this beastly administration and on the grave of this sinful kingdom will be erected the government of our labourers and cultivators and the administration of justice and righteousness."

D

Exhibit 134

Bulletin No. 11 dated the 17th September, 1942

CONGRESS MESSAGE

"Orissa Ministry Unlawful:—The Parla ministry is existing in Orissa as the agent of the British. There is no popular support behind it. It is unlawful. Here it is functioning as the fifth column on the side of the British. It is responsible for the slaughter of 100 men in the districts of Koraput and Cuttack...For the crimes of which they have been guilty, the members as well as the supporters of this ministry should be assassinated. For the shameless anxiety that these people are showing for keeping the dead British administration alive in this country, they should be shot dead. But punishment by death has no place in non-violence. So boycott these people socially, insult them. Arrest them for preventing them from the bad deed... But beware, do not exercise violence on any particular individual.

Arrest Musaheb Khan:—Musaheb Khan, Additional Magistrate of Cuttack having devasted the Baree area has been hastening towards Erasama. He is an incarnation of oppression. He is the slave of the British, true to the salt. As it appears, his life is not safe any more. He is our brother. Arrest him for his safety. Detain him in the Azad jail.

Mob Raid:—A mob of of 3000 people have set fire to the thana house of Erasama and all the government offices located nearby, in the district of Cuttack, at 8 a.m. in the morning. At Tirtol, all government offices except the thana house have been burnt. The *Dak bungalow* of Jagannathpur and the house and papers of the Neulpur Canal Revenue Office have been reduced to heaps of ashes. At Erasama, more than one thousand people raided the armed police van carrying 68 prisoners. The van went back and came again escorted by Punjabi soldiers. Now the Punjabi soldiers are entering into each house and carrying on oppresssions......"

Exhibit 138

ALL INDIA CONGRESS BULLETIN

"Violent agitations have to be simultaneously launched everywhere both in the town and in the mofussil so that the government may not suppress them one after the other. If there is disturbance everywhere the enemy's power will be scattered. First of all, the government servants will be asked to acknowledge the authority of the people instead of acknowledging British authority.

If they do not obey that they will be taken out of their jobs by force and the weapons they may have with them will be taken away from them .....

Establish individual relationship with the police and the military men by the help of leaflets and by doing a deed of bravery at the time of serious situation prevail upon them. The Indians employed in the troops of the government will first of all be asked to consider the fact that they are independent and they will be appealed to join the Indian revolution in violation of the British authority."

Exhibit 139

OPEN REVOLT

"This is an open fight of ours with the British Government We do not acknowledge it any more. We have declared ourselves independent......

Let free panchayets be appointed. As a token of this let the processes and the notices of the *Kutcheries* of the government and the uniforms of the *Chaukidars* and *Daffadars* be burnt away in that meeting. Let the speaker in his speech describe all the incidents that are occurring everywhere. All the news will be summarily supplied in the Congress bulletins that are published in every fifteen days. If the police come to arrest the speaker he should tell them that he does not acknowledge them and he should not go. The people should get the police surrounded and should keep them under confinement as it were. It is not possible that police can go in large numbers to the meetings of every locality. Others should snatch away from them their uniforms and lathis etc. They should be garlanded and declared as brothers of the free panchayet. If they pursue their previous conduct inspite of all this they should be confined in a room for 2 to 4 days. In all these acts no violence will be exercised upon anybody in any manner.....

2. For the sake of wiping out the traces of the English administration take possession of the police stations or Tahasils, dak bungalows, canal revenue offices and sub-registry offices as the people of an independent country. The people should go there in batches and do like this. The government centres, law courts, collectorates and other places situated in a town should also be taken possession of in the like manner. Before taking possession of a police station, roads, bridges, telegraph wires and post offices shall have to be cut off or burnt away....

4. The Indian government servants will all along be requested to resign their jobs and to join the movement (5) The rents of

the November *Kisti* will not be paid. Payment of *Chaukidari* taxes will be stopped. The people will also be requested not to pay rents to the zamindars of the temporarily settled estates. (6) If it is a jungle area tell the people to disobey the Forest Act. (7) The regulations of the government will have to be violated....

Exhibit 142

CONGRESS COMMAND-DO NOT PAY FINES

"Mahatma Gandhi and the Congress have decided that they would destroy the British government this time... They are burning and annihilating the seats of the government like police stations *Kutcheries*, railway lines and post offices. They are not paying rents and taxes... There is not even a trace of the government in such provinces as Bihar and the Central Provinces etc,...

Brethren of Tirtol, Erasama and Nimapara! For the heroic deeds you have performed at the direction of the Congress everybody is holding you in applause. It is you who are the strength of the Congress ... Combine together and do not pay fines... If any policeman or officer goes to you for collecting fines encircle him and disarm him... Do not pay rents and taxes as long as an independent government is not established......".

Exhibit 143

A WORD TO THE *CHOUKIDAR* BRETHREN

Brethren

"......If there will be Swaraj you will get equal privileges everywhere. We give you assurance that if there will be Swaraj you won't get less than Rs 50/- per month as your salary. Resign your jobs soon and come away. Thousands and thousands of *Choukidars* have given up their jobs on every side. The government cannot exist here for many days more......

Exhibit 145

INSTRUCTIONS FROM THE ALL INDIA CONGRESS COMMITTEE

"(2) All the institutions of some districts and, if possible, of the whole province will be raided on the same day. It is when the people will destroy the administrative centres of their respective districts by being excited and by exercising their congregated might, that we can succeed to the full extent. If this is done, the machinery of the government will be rendered inoperative

and we will build institutions commanding the people's authority. Such an institution will form the foundation of independent India. All sorts of enterprises be made for simultaneously paralysing the administrative machinery of the government of all the different provinces. The government will have to be manufactured according to our will. If on account of the war the government order any locality to be evacuated, the people will not evacuate it. They will not acknowledge the law courts. They will ply the boats by force. In this movement no act inspired by violence will have any room at all. Especially violence will not be exercised upon the government servants......

Exhibit 148 for Ganjam

THE CONGRESS ORGANISERS.

" 2. Attempt should be made to post one worker secretly at the centre. He will be receiving news from all and keeping them and will be sending direction to all.........

3. In the present movement there is only one condition. It is that individual violence should not be applied...... Besides the *pracharaks* (propagators) they will find out other batches of workers forthwith and will get arrangements made for cutting off the railways, roads, passages, ghats, and telegraph wires at places and for rooting out the posts......"

Exhibit 149

GANDHIJI'S LAST MESSAGE

"1. Do not pay rents and taxes 2. Come to the police stations in batches and bring the officers working there to your own sides. 3. Occupy the police stations. 3. (Sic.) Disobey the Forest Act 4. Take possession of the paddy granaries and distribute among the men in want. 5. Forming batches of cultivators forcibly the *anabadi* lands of the *Pukki mahal* 6. Do not go to law courts 7. Do not obey any law of the government 8. Let the teachers and the students withdraw from schools 9. Let government servants and the police resign their services 10. Make the railway wire and other roads of communication useless 11. Let the people in every village prevent in bodies the entrance of Government officers or other men into it............".

Exhibit 150

TO BRETHREN WHO ARE POLICE AND JAIL OFFICERS

"The fire of revolution is in flames everywhere in India. In this fire the British government will burn and perish. On the same ashes the independent India will be built up. This is the last fight. This time victory is pretty certain.........".

Exhibit 151

CLOSE THE SCHOOLS AND COLLEGES

" To-day the schools and colleges are closed everywhere in India except Orissa...........

COME AWAY LEAVING THE SCHOOLS AND COLLEGES WHICH ARE THE ENEMY'S FORTS

The passages from the bulletins and leaflets quoted above are not meant to be exhaustive but only illustrative of the wild propaganda and false reports published with a view to inciting the public to acts of so-called bravery. But even these prove more than enough to show that there was a conspiracy organised wlth a view to paralysing the government established by law. There can be no manner of doubt that the documentary evidence adduced in this case amply proves the existence of the conspiracy, and furthermore, that acts of violence and of sabotage were being committed in different parts of the province in pursuance of the unlawful object aimed at by the conspirators. The only question, therefore, which remains to be dealt with is whether the appellants, or anyone of them, were in this conspiracy. But before I deal with that question, I propose to deal with certain points raised in this case which affect the case generally.

At the very threshhold of his argument Mr. Sahu for the appellants drew our attention to the fact that the accused had not the benefit of an argument fron the bar before the learned judge. That is so; but the accused have to thank themselves for not placing their submissions through their counsel before the court that below. There is nothing on the record to support the suggestion the court below was in any way responsible for this state of affairs. If the accused decided not to co-operate with the court below at the fag-end of the trial, they did so with their eyes open, and in spite of a timely warning given by the court that this attitude of theirs might work against them. Hence in my opinion, there is no reason to think that anybody but the accused themselves are to blame for not having their view point placed before the court. On a consideration of the entire evidence in this case, I have come to the conclusion that the learned judge below has given due weight to the circumstances of the case arising upon the evidence led by the prosecution and that the non-participation of the accused at that stage of the case has not prevented the court from considering the case of each individual accused on its merits.

It has also been contended that the evidence of the handwriting expert should not have been acted upon in-as-much-as the letter (exhibit 66) which was written by the investigating officer to the handwriting expert to the Government of Bihar, Patna, had given too much of a lead to the expert to leave him an exercise of his own independent judgment in the matter of the comparison of the specimen writing of the different accused with the documents which were seized from the houses of the accused as already indicated. The letter in question does lend support to this argument in-as-much as against each individual accused it has been said that a certain document had been proved by independent evidence to be in the handwriting of that particular accused. Some such words have been used in the case of the appellents Piari Mohan Das, Biswanath Parida, Banka Bihari Das and Lokanath Misra with this addition in the last case that " his Oriya and English specimen handwriting obtained by me during the investigation which he wrote very carefully to avoid detection marked W (4). The opinion of the handwriting expert (exhibit 308) contains amongst other things the following sentence. " I notice a deliberate attempt at disguise in the specimen of handwriting marked W (4). Written for the occasion ", and the handwriting of all the appellants aforesaid has been said to have been identified, in the opinion of the expert, with the writings on the documents said in the letter to have been written by those accused. The aforsaid letter of the investigating officer, along with the opinion of the handwriting expert, does lend colour to the argument of the appellants that the handwriting expert was left no option but to declare that the handwritings were the same in each particular case; but there are certain other matters which would lead me to hold that the opinion of the handwriting expert has not given as if blindly in accordance with the hints given by the investigating officer. In the first place, in spite of the strong lead given by the investigating officer to the expert, he did no give a definite opinion in respect of the handwriting of Gour Charan Das and Nishamani Khuntia two of the accused persons, who have been convicted but have not thought fit to come up in appeal to this court. In those two cases the expert wanted further specimens in order to be sure about his opinion. That would indicate that he exercised his individual judgment in the matter of the comparison of the handwriting of each individual accused with the documents in question. Further, we had during the course of arguments, looked into the specimen handwriting of appellant Lokanath Misra, and we found a distinct attempt to disguise the handwriting. The letter (exhibit 22), dated the 4th of October, 1942, at 4 a.m. said to have been written by the accused Lokanath Misra is now admitted by his counsel to be in his handwriting; but there was no resemblance between the writing

in this letter and the accused Lokanath Misra's specimen writing which was sent to the expert. Hence, in my opinion, though the investigating officer's letter to the expert was couched in a language which cannot be countenanced by any court of justice, there can be no doubt that the opinion of the expert as regards the specimen writing of Lokanath Misra is well-founded and is apparent to the naked eye even of a layman. As a result of these considerations, I have come to the conclusion that the opinion of the handwriting expert cannot be altogether brushed aside; but it cannot be the sole foundation for a conviction where there is no other evidence corroborating the handwriting expert in the matter of the writing. Hence, in those case where it is found that the conviction is based upon the opinion of the expert alone as connecting the accused with the writing, such a conviction cannot be upheld; but where the expert's opinion is supported by other reliable evidence there is no reason to brush aside altogether the opinion and evidence of the expert who seems to have given his opinion for apparently good reasons.

It was also suggested during the argument that it may be that some of these objectionable leaflets and bulletins or letters were found in the possession of the accused. That by itself should not be held to be sufficient to connect the accused with the conspiracy. That is a matter which depends upon the state of the evidence against each individual accused, and, I therefore, propose now to see how far the evidence on the record brings the charges framed against the accused home to them individually.

1. Lokanath Misra :—He is mentioned in (exhibit 18) which is a list of Congress workers of names under different police stations of the different sub-divisions of the district, the following passage appears, (I give a list of the district workers. I have excluded the names of those who have been arrested in the mean time). Not only his name, but his complete address is given under the sub-heading " Patkura " which is a police station in the district of Cuttack. As already indicated he was arrested at Cuttack on the 5th of December 1942. Hence, presumably this list was prepared before the date. It does not transpire in the evidence as to who the author of this list was, or in whose handwriting it is written. We only know this much that P.W. 1 recovered this document at Alisha Bazar along with other documents at the time the leader of the gang, Surendra Nath Dwivedi, was arrested. It was contended that it may have been the list of accommodation addresses but the passage already quoted disposes of that argument. In this list we find at its very end the name of Nishamani Khuntia aforesaid. Another document which connects the appellant with this conspiracy is a letter written by *Babaji*

which was an alias for Surendra Nath Dwivedi the arch offender, to Nishamani (Exhibit 92). The following passage in this letter speaks for itself. " A man is coming here every week from Lokanath Misra to take the dak. It would be well if arrangement could be made along with it. You will take from him on the midday. On the day on which he comes here you meet him and also send information. It is not safe to depend too much on postal communication. You will do as you think convenient. Lokanath Misra has written that the teacher of Gaithipur ? school having taken twenty leaflets from him is distributing them in 5 or 6 unions. Please ascertain which area is this and how the distribution is being made there in. If possible, keep contact. It has been contended that there is nothing in the evidence to show that the Lokanath Misra referred to there in is the same as the present appellant; but it has been conceded that if it can be inferred from other evidence that the reference in that letter is to this appellant, then there can be no doubt that he was fully in this conspiracy. In the first instance in the list of workers (exhibit 18) aforesaid there is no other Lokanath Misra, though there is one Lokanath Pradhan with a different address. Secondly the admitted letter (exhibit 22) already referred to, was written to Babaji (that is, Surendra Nath Dwivedi). It shows that at the material time and date the appellant was on very intimate terms will Babaji. The learned judge below has characterised this exhibit 22 as a harmless document ; but, in my opinion, it is not absolutely harmless, I say this because of the following passage in this letter:— " I am going home today. I do not know what the news is. I was told that various meetings were held on the occasion of Gandhi-*Jayanti*. An M.E. School went on strike. More afterwards." A large number of documents have been placed on record in this case, too numerous to mention, showing that Gandhi-*Jayanti* was sought to be exploited as an occasion for furthering the objects of the conspiracy, and meetings which were presumably banned in this part of the province also at this time of the year indicate what the members present at the meeting were about, and the reference to the strike has strange coincidence with one of the objects of the conspiracy. Hence, putting (exhibits 18. 22 and 92) together, there is no room for a reasonable doubt that the appellant was one of the persons in the conspiracy. Further, the oral evidence of prosecution witnesses 27, 28 and 31 is good corroboration of the appellant having taken part in meetings, inciting the public to break the law in the way suggested in the charges framed against the accused. I would, therefore, dismiss his appeal.

2. Bhairab Charan Mohanti—He was an employee in the education department in the secretariat for about 5 to 6 years; but on the 12th of August, 1942 he sent in his letter of resignation

(exhibit 3) the following extracts from which speak for themselves; "For all the loyal service rendered by me under this self-imposed government during all these 6 years or so, I would request you to reward me by relieving me at once, so that I may be able to take my stand under my country's banner when the whole nation is about to fight for freedom......I shall thereafter take up my work as outlined by the All India Congress Committee, and as you can well realise the best field for me will be the Secretariat itself." This letter came in only a few days after the reported meeting of the All India Congress Committee. From (exhibit 1) it will appear that the All India Congress Committee had been declared to be an unlawful association on the 9th of August 1942. This appellant avowedly set out to work under the banner of the All India Congress Committee, and chose for the 'best field' the secretariat itself: in other words, he expressed himself to the effect that he would devote his time to spreading disaffection amongst the employees of the government secretariat itself. (Exhibit 115) purport to be a report of the Sambalpur district after the 15th September 1942. The latter half of the document is an unsigned letter to "Dear Surendra Babu". It is conceded that if this letter is in the handwriting of the appellant, it shows that he was very deep in this conspiracy. It names a number of high government officials in the secretariat to whom the bulletin had to be forwarded. It also contains the following significant sentences:—"I shall make arrangements here for distribution among the clerks. It does not seem that I shall be able to remain outside for many days......The responsibility of distribution in the secretariat there is on you". Apparently, this was a letter written from Sambalpur where a portion of the secretariat was located at that time and the "secretariat there" has reference to Cuttack. This letter was intercepted at Cuttack by P. W. 7. The handwriting on (exhibit 115) has been proved by P. W. 21, an assistant jailor, Cuttack jail, who appears to have been an acquaintance of the accused for the last fifteen years, and on terms of correspondence with him. Even while this appellant was in jail custody after his arrest, he was in the habit of writing *chits* to the said witness. It has been contended on behalf of the appellant that this witness wrongly identified the handwriting on (exhibit 23) as that of this accused. The witness deposed that (exhibit 23) seemed to be in Bhairab Charan's handwriting. During the course of the argument we had the occasion to look into (exhibit 23,) and there was a good deal of similarity between the two writings. In this case no expert appears to have been examined to compare that handwriting nor is there any oral evidence against him as to his activities about this time. This letter as appears from the interception report (exhibit 116) was posted at Sambalpur on the 24th September 1942 and was intercepted at Cuttack on the 26th

September 1942. The address was:—Shri Gangadhar Das, Kalyani Kutir, Firangi Bazar, Cuttack, contents meant for Surendra Nath Dwivedi. Apparently, it was written to an accommodation address at Kalyani Kutir which is a place where some of the accused persons used to put up. In my opinion, the evidence afforded by (exhibit 3) read along with 115, is enough to connect this appellant with this conspiracy beyond any reasonable doubt. Hence, his appeal also must be dismissed.

3. Banka Bihari Das :—He was a Fourth Year student aged about 20 years, and in the words of the learned Judge below "he was the office boy in this organisation". There is evidence to show that the envelopes containing the letters (exhibits 78, 82,) and (92), and the money order coupon, (exhibit 95) were written by him, These letters and the money order were intercepted by P. W. 3, a C. I. D. Sub-inspector in Cuttack R. M. S. office. (Exhibit 78) is a letter written by Surendra Nath Dwivedi to "Dear Friend" dated Cuttack, September 22nd. The following extract from the letter speaks for itself :—

" We have your letter of the 15th September. We will send you another report of our work very shortly.

As regards money, we think the safest course would be to send it to Akshoy Babu of the Madhusudan village industries requesting him to hand it over to Babaji. I will inform him like-wise.

Gandhiji's birthday comes off on the 2nd October. Has A. I. C. C. fixed up any concrete programme for the day? We are planning for a province wide Hartal and will make an attempt to raid Cuttack town government offices if possible......".

There is no oral evidence about the activities of this appellant at the relevant time. It has been argued on his behalf that he was a mere innocent writer of addresses by request. Hence, he may not have been cognisant of the contents of those letters which are not challenged as being full of matter relating to the conspiracy. But (exhibit 12) (a) is a letter which contains the following pregnant sentences, "so please send Sambalpur leaflets to me and Balasore leaflets to Sachi Babu......I am going away instructing Gadadhar Babu that Pandit would come and would make over to him here secretly. I went to Dukhishyam Babu for money". This letter has been proved by P. Ws. 19 and 20 who reside in the same mess known as Kalyani Kutir along with this appellant as boarder. I have no reason to doubt the veracity of the two witnesses who connect this appellant with the writing on (exhibit 12) (a). Hence, in my opinion, there is no doubt that this man, who has not yet

finished his college career, was in this conspiracy. The only question that may possibly arise is the question of sentence which will be discussed thereafter. His conviction must, therefore, stand.

4. Narayan Prasad Mohanti :—As against this appellant the learned judge below relied upon a letter (exhibit 140) which is said to be in his handwriting, and which contains his name amongst more than two dozen names of four anna members of the Congress. But the learned judge apparently made the document itself that it is of the year 1939. Hence, this document has to be left out of account altogether against him; but the most incriminating circumstances against this appellant is that when he was arrested at his house a large number of bulletins were recovered from there namely, (exhibit 141), 110 copies (exhibit 134) bulletin no. 11 already quoted), (exhibits 138 and 139) in the handwriting of Surendra Nath Dwivedi and manuscripts (exhibits 143) (a) and 143(b) in the handwriting of Nishamani. In (exhibit 12) (d) his name was also found; but it has been struck off, and Mr. Sahu on his behalf argued that it was a mere accommodation address which for certain reasons known to the conspirators was cancelled, and, he suggests, presumably because it was not thought to be a safe address. But P.W. 13 found in his house eight copies of (exhibit 142) (lithographed bulletin no. 13 already quoted) as also nine copies of a leaflet entitled "Appeals to *Chaukidars*". Along with that there is the evidence of P. W. 25 to show that this appellant had engaged himself in distributing Congress leaflets. The evidence of this witness standing by itself is not of much value, but taken in conjunction with the other evidence above, in my opinion, incriminates him sufficiently to be convicted for the charges framed against him. His appeal, therefore, must stand dismissed.

5. Biswanath Parida :—He was a member of the District Board of Puri. Against him the prosecution has proved the authorship of the letter (exhibit 40.) It is an unsigned letter said to be from 'Puri worker'. This letter, if proved to be in his handwriting, sufficiently incriminates him as being directly concerned with the conspiracy. The writer says in the letter that the shop keeper in whose address the letter came had been arrested. Hence he asked that letters should be sent to the address given at the foot of the letter. He refers to a number of activities in pursuance of the conspiracy and also says that vigorous search was being made for him and that his health was so shattered that imprisonment would be welcome to him. The direct testimony of P.W. 34 to the effect that (exhibit 40) was in the handwriting of this appellant is open to this serious criticism that this witness's evidence discloses that he is hardly competent to identify the handwriting of

this accused. He is a clerk of the Puri Co-operative Bank, while the accused is a member of a Co-operative Society. He says he came to know the accused "more than 9 months ago......in connection with bank work." His deposition was recorded on the 10th March 1943, and the accused had been arrested on the 26th September 1942. He proves that he saw the accused fill up a bond in printed form in favour of the Central Bank and sign it. This was apparently the only occasion when he saw the accused writing in his presence. It is admitted that this appellant is a member of the Puri District Board. And there must be papers in his handwriting in the Board, and many people in the Board be able to identify his handwriting. Hence, I am not prepared to act upon the testimony of this witness. That being so, we are left with the handwriting expert's opinion that (exhibit 40) was in the handwriting of this appellant. In my opinion, it is not safe to act upon this opinion alone. Hence, I would give the benefit of the doubt to this appellant and acquit him of the charges framed against him.

6. **Narsingh Charan Mohanti** :—The prosecution relies on the other letter (exhibit 82) dated the 23rd September 1942, written by Surendra Nath Dwivedi to Nishamani Khuntia in which Narsingh is referred to as a messenger through whom the writer had already sent information. The letter refers to matters in connection with the alleged conspiracy. There is, however, nothing in it to point to the identity of the Narsingh referred to, and if this letter had stood alone, it could not be regarded as sufficient to establish this appellant's complicity. But there is a letter (exhibit 199) purporting to be written to one Uttar Singh by Babaji (that is Surendra Nath Dwivedi) which was recovered from the house of this appellant by the Sub-inspector (P.W. 17), on the back of this letter is written 'Narsingh.' The letter refers to stopping payment of rents and distribution of leaflets for the purpose. The recovery of the letter from the appellant's house is proved by the Sub-inspector (P.W. 17) and (P.W. 18) a search witness. Their evidence regarding the search has been attacked on the ground that the appellant had been arrested before the search witness and that the police people did not subject themselves to search before conducting the house search. (P.W, 17's) evidence is that he went to the appellant's house at about mid-night and arrested him and just after the arrest he sent for the search and before the arrival of the search witness turned up in about 15 to 20 minutes. He states that on search he recovered the letter among other papers, The evidence of (P.W. 18) shows that the appellant took the Sub-inspector to his bed-room and the papers including the letter, were recovered from that room. There is no reason why the evidence of these witnesses, particularly of the Sub-inspector, should

be dis-believed. The recovery of the letter (exhibit 199), taken along with the letter (exhibit 82), is, in my opinion, sufficient to prove the guilt of the appellant.

7. Piari Mohan Das :—As against this appellant the learned Judge relies chiefly on two letters (exhibit 14 and exhibit 266). (Exhibit 14) is a very long letter dated the 29th September which purports to be written by " B.A." from " B.O. Head-quarters " to " C.O. ", describing in great detail the happenings in the district of Balasore. The prosecution sought to prove that this letter was written by this appellant. The only evidence on the point is that of the handwriting expert (P.W. 32). But it will not be safe to base a conviction on the expert's opinion alone. (Exhibit 266) is addressed to Piari (the appellant) and is proved by P.W. 46 and (P.W. 48) to have been written by Gour Charan Das. (P.W. 46) is a Municipal Commissioner at Balasore and his evidence is that he knows Gour Charan Das for 10 to 12 years and has seen him. Writer (P.W. 48) was formerly a Congress worker and he knows Gour Charan Das who is a Congress worker. These two witnesses therefore, were competent to prove the handwriting of Gour Charan. The contents of the letter (exhibit 266) are undoubtedly incriminating. This letter was recovered from the appellant's house by the Sub-inspector (P.W. 55). His evidence is that the 16th October, 1942, the day on which there was a great cyclone, he was ordered to arrest the appellant and search his house and that the same night about 11 p.m. he went to the appellant's house and arrested him at about 1 a.m. but as it was late at night, the search could not be held that night, by the Police Inspector, the next morning the search was held in the presence of the appellant. (P.W. 56,) who is a pleader at Balasore, was a witness to the search, the house being in Balasore town. His evidence shows that the house was locked and sealed. (P.W. 55) definitely says that the appellant was present at the time of the search, and the letter (exhibit 266) was recovered along with some other papers. His evidence is corroborated by (P.W. 56.) There is nothing in the evidence of the latter to suggest that the appellant was not present at the time of the search. His statement in cross-examination " Prianath was absent " refers to the owner of the house in which appellant lived. Much comment has been made on (P.W. 55's) evidence because he did not conduct the house-search on the night of the 16th. But it must be remembered that there was the great cyclone that day, and at that late hour of the night search-witnesses could hardly be available. I find no sufficient reason to disbelieve the evidence of (P.W. 55) which is corroborated by (P.W. 56). The recovery of the letter (exhibit 266) from the appellant's house clearly establishes his complicity in the conspiracy. His name is also

referred to in two other incriminating letters (exhibit 237 and exhibit 238) which were recovered from the house of the next appellant, Dukhishyam Padhi. As I shall show presently, these two letters have been duly proved. These letters also prove that Piari was in the conspiracy.

8. Dukhishyam Padhi :—His complicity in the conspiracy is well established by the two letters (exhibit 237, 238 and exhibit which were recovered by the Sub-inspector (P. W. 37) from the house of his brother-in-law, Madan Bindhani where he was staying. Both these letters are addressd to Dukhi (abbreviation for Dukhishyam Padhi.) (Exhibit 137), which is dated the 1st October, 1942, purports to be written by Gour and it has been proved by (P. W. 46) and (P.W. 48) to be in the handwriting of Gour Charan Das. I have already shown that these are competent witneses to prove Gour's handwriting (exhibit 238,) which does not bear any date, purports to be written by "Ra". It has been proved by (P.W. 48) to be in the handwriting of Ramakanta Das, another accused, who has been convicted but has not appealed. (P.W. 48's) evidence is that he and Ramakanta were Congress workers at Balasore for several years and he saw Ramakanta write in the Congress office there. His evidence that (exhibit 238) was written by Ramakanta is corroborated by the opinion of the handwriting expert (P. W. 82). There is no reason to doubt this evidence. Both (exhibit 237) and (exhibit 238) refer to matters connected with the alleged conspiracy. The evidence of (P. W. 37) regarding the recovery of these letters has been attacked on the ground that the appellant was not present at the time of the search and that the search was not conducted in the presence of two witnesses, as required by section 103 of the Criminal Procedure Code. There was only one search witness, namely (P.W. 49.) It is regrettable that the Sub-inspector (P. W. 37) did not obtain two search witnesses, but that by itself is no ground for disbelieving his evidence. The evidence of (P. W. 47) who is a general merchant at Balasore, shows that the appellant, who is known to him used to stay with his brother-in-law, Madhu Bindhani (I think Madhu is a mistake for Madan). This witness was not at all cross-examined. The Sub-inspector (P. W. 37) also says that the appellant was staying in the house of Madan Bindhani. His evidence is that he recovered the letters (exhibit 237 and exhibit 238) with some other papers from an almirah in the house of Madan Bindhani which had to be broken open as Madan or his son did not give him the key, though asked for. The search witness (P. W. 49's) evidence is not of much value, because he apparently tried to help the accused by making some statements in his favour. He says that the search list was wrongly written, and he signed it out of fear. I do not, however, find any sufficient reason to disbelieve the testimony of the

Sub-Inspector (P. W. 37). The search was conducted in the day between 2-30 p.m. and 4-30 p.m, as the search list (exhibit 236) shows. It is idle to suggest that the letters (exhibit 237) and (exhibit 238) were first fabricated and then planted by the police in the house of Madan Bindhani. If the police really wanted to fabricate these letters, it is not understood why in (exhibit 238) only the first letter "Ra" in the name of the writer and not his full name should be given. Even the evidence of (P. W. 49,) who tried to help the accused shows that evidence; the papers were being sorted out near an almirah which had been broken open. There is, therefore, no reason to doubt the evidence regarding the recovery of the letters which are addressed to the appellant and are clear evidence of his complicity in the conspiracy. His name is mentioned in the letter (exhibit 12.) as already referred to, while dealing with the evidence against the third appellant, Banka Bihari Das. His name is also referred in another incriminating letter (exhibit 24) which was recovered by the C. I. D. Inspector (P. W, 1) from the house occupied by Surendra Nath Dwivedi at the time of his arrest. All these letters, taken together, leave no room for doubt about the guilt of this appellant.

As a result of the considerations aforesaid, I would dismiss the appeal of the appellants Lokanath Misra, Bhairab Charan Mohanti, Banka Bihari Das, Narayan Prasad Mohanti, Narsingh Charan Mohanti, Piari Mohan Das and Dukhisyam Padhi. The sentence against them is not too severe in the circumstances disclosed in the case except that in the case of Banka Bihari Das who is a young man of 20 and has not yet begun his life, it may be said that he was in no better position than that of a camp follower. He has been described by the court below as the 'office boy.' In these circumstances I will reduce his sentence to rigorous imprisonment for two years. The appeal of the appellant Biswanath Parida is allowed, and it is directed that he be released forthwith.

B. P. Sinha
S. C. Chatterji.

Chatterji, I agree.

APPENDIX C

APPENDIX C

Date Reference No. 4 of 1942 (Orissa)

and

Criminal Appeal No. 27 and 28 of 1942 (Orissa)

Reference made by V. Ramanathan, Esquire, I.C.S., Additional Sessions Judge, Koraput in his letter No. S.C. 18/42 dated the 13th November, 1942.

In the case of

The King Emperor *Versus* Lakhan Naik, Accused.

In support of the reference :—The Public Prosecutor for Orissa.

Against the reference :—Mr. Pitambar Misra.

Appeal 27

Appeal 28

Lakhan Naik, accused :—Appellant.

1. Balaram Pujhari, 2. Arjuno Naiko, 3. Arjuno Naik 4. Sambaru Naik, 5. Kendu Naik, 6. Bhima Naiko, 7. Jagannath Naik, 8. Udainath Odi, 9. Nityananda Ghasi, 10. Chaitan Pujari, 11. Deenabandhu Pujari, 12. Chandra Pujari, 13. Bula Bhumia 14. Banga Pujari, 15. Raghunath Bhumia, 16. Arjuno Pujari 17. Somu Domb, 18. Padalam Naik, 19. Balaram Bhumia, 20. Bhika Bairagi, 21. Dhanurjayo Naik, 22. Sombaru Naiko, 23. Gopinath Pujari, 24. Bansigh Bhumia, 25. Guru Kotia, 26. Narsingh Challan, 27. Krishna Pujari, 28. Bhalu Domb, 29. Guru Goudo, 30. Kosa Madkami, 31. Hatiram Kotia, 32. Somaru Bhumia, 33. Hatiram Chandal, 34. Kondisunna Jhoria, 35. Somanath Bhumia, 36. Mongala Madakami, 37. Budhu Kumar, 38. Somanath Bhumia, 39. Krishnachandra Bissoi, 40. Somanath Bhumia 41. Sonnasomar Naik, 42. Hori Pujari, 43. Mongaraj Naik. 44. Bhaga Naik, 45. Balaram Bhumia, 46. Guru Naik, 47. Kalakora Arjuna, 48. Narasingh Dhurva and 49. Motiram Singh Madakami, accused ... ... Appellants

Versus

The King Emperor ... ... Respondent

For the appellants :—Mr. Pitamber Misra.

For the respondent :—The Public Prosecutor for Orissa.

Present

The Hon'ble Mr. Justice Meredith.

The Hon'ble Mr. Justice Brough.

Brough J.

This is a death reference and connected appeal by one Lakhan Naik, who was sentenced to death and an apeal by 49 other accused who were sentenced to transportation for life by the Additional Sessions Judge, Koraput, for the murder and complicity in murder of a man named Ramayya in the course of a riot which occurred at Mathili in August, 1942.

In the latter half of August, 1942, Mr. B. S. Nanda, the Divisional Inspector of Police at Malkangiri, received information that an attack was likely to be made on the police station at Mathili. He therefore, collected such force as he could, and went to the police station to deal with the expected attack. On the morning of August 21st, he was present at the police station himself, Jagannaikulu Dora, Sub-Inspector of Mathili, K. Ramamurty Sub-Inspector of Venkatapalam, two Assistant Sub-Inspectors and seven constables making twelve police in all. There were also present with him an excise sub-inspector and four peons, the Revenue Inspector and Forest guard, the deceased Ramayya, both in the service of the Jeypore Raj, with two peons, the local doctor and compounder and the Veterinary Stock-man and nine villagers. During the morning, the Sub-Deputy Magistrate and an Inspector of the Public Works Department came to the police station. I may say that out of this party of 35 people one was killed and twenty-one were injured in the course of the riot that eventually took place, and 28 of them have given evidence before the Sessions Judge.

At about 9-30 a.m. a mob. led by Lakhan Naik (accused No. 1) of about a thousand people carrying Congress flags and armed with *lathis*, advanced from the village to the police station. They were shouting slogans: " We are warriors. We have brought Gandhi Raj. The British Government is no more. We will burn the police station and kill all officers who oppose us. If we succeed, we will proceed to Malkanagiri, and loot the government treasury there. " The Divisional Inspector with a part of his party met the mob about 200 yards east of the police station on the road, and barred their way. After some argument, the mob withdrew to the market nearby to decide their future action. They were followed by the Divisional Inspector and his party who remained to observe their actions. A procession with music was formed round the market, and speeches were delivered including a speech by Lakhan

Naik, a note of which was made by the Divisional Inspector at the time. The speech was much to the same effect as the slogans which had already been shouted. It was: "Brethren, we are warriors. The British Government is gone, and Mahatma Gandhi is our King. Maharaja of Jeypore is dead. Proceed on. Let us first loot and burn the police station. Let us kill the government officials, and then proceed to Malkangiri and loot the treasury." After the speech, the mob were worked up to a sufficient state of enthusiasm to resume their march to the police station, and at about 12 o'clock they again went to the police station. The Divisional Inspector and his party returned to the police station before them, and took such measures as he could for its defence. The police station is a thatched building standing in a small compound, about 130 feet square with gates on each side, surrounded by a drainage ditch and a low flimsy fence. It stands back on the north side of the road about 700 feet from it and is again surrounded by a clearing made in the forest, about 200 yards square. It is not clear whether this clearing is fenced or not, but there is a ditch along the road side. The Divisional Inspector posted four constables at the gate of the inner compound armed with muskets and bayonets and ten rounds of ammunitions each, and he drew up the reminder of his force close to the road by the culvert going across the roadside ditch. The remainder of his small police force were in front and the others of his party in the second rank. The police and some one, at any rate, of the other had *lathis*. He himself had a revolver, and it appears that Sub-Inspector Dora had a single barrel 12 bore gun of his own which he got hold of subsequently and used to good effect. When the mob arrived at the entrance to the compound, the police obstructed them holding their *lathis* out as a barrier but without using them endeavoured to persuade them not to enter the compound. But this time the Sub-Deputy Collector, Mr. Majibur Rahman, had arrived and he declared the assembly an unlawful assembly and ordered the crowd to disperse. The crowd did not do so, but led by Lakhan Naik (accused No. 1) and Balaram Pujari (accused No. 2) pushed the police and their helpers backwards towards the inner compound. While this was going on, some members of the crowd who, as I have already said, were armed with *lathis* which were short heavy *lathis* of green bamboo, assaulted Sub-Inspector Ramamurty and constable Mahanty and injured them severely. Upon this, the Divisional Inspector on instructions from the Magistrate ordered his force to use their *lathis* or as the witness put it, ordered *lathi* charge. This proved ineffective. The police force and their helpers being completely outnumbered were overpowered and forced further

back. It was during this stage of the riot that most of the police party received their injuries. The Divisional Inspector himself received a slight injury on the hand which had the effect of damaging the action of his revolver so that it could not be fired. The Magistrate and others of the party were injured, and the forest guard, Ramayya, was killed. He received two blows, one on the neck and shoulder and the other on the head which fractured his skull and drove the fragments into his brain and must have killed him instantly. He fell into the drain surrounding the inner compound just to the west of the entrance. While this exchange of *lathi* blows was going on between the police and the leaders of the mob, others of the mob had got round the sides, and some of them had got into the inner compound. Sub-Inspector Dora had with a constable gone towards his quarters which were to the west of the compound and got his own gun. The Magistrate seeing the death of Ramayya and the injuries that were being inflicted on the others of his party, told the Divisional Inspector to open fire. He did so, and the armed constables at the gate opened fire, and used their bayonets. They fired 12 rounds in all. At the same time Sub-Inspector Dora used his gun, and fired three rounds with one of which he killed a man who had climbed on to the verandah of the police station and was in the act of setting fire to the thatch, and with another of which he killed another man. Besides those two men three others were killed and seventeen injured, mostly by the armed police. Shortly after firing was opened, the mob began to disperse, and the Divisional Inspector immediately gave orders to cease fire, and the position seems to have been restored about half-past twelve.

At half-past one, in the police station itself Sub-Inspector Dora wrote a report which was the First Information Report in this case. He gives substantially tbe account of the occurrence that I have set out above. He adds that Ramayya was beaten to death by Lakhan Naik and Balaram Pujari, and he stated that 25 named persons and many others of certain villages took active part in the mob. The persons he named included accused Nos. 1 to 26 and 38.

On that Information Report charges were brought against 54 people before the Additional Sessions Judge at Koraput. Lakhan Naik accused No. 1 was charged under section 302 of the Indian Penal Code with the murder of Ramyya. He was also charged with making a prejudicial speech contrary to Rule 38 of the Defence of India Rules. Balaram Pujari was also charged under section 302 with Lakhan Naik, of the murder of Ramayya.

The remaining 52 accused were charged under section 302 read with section 149 Indian Penal Code of being members of an unlawful assembly in the prosecution of the common object of which Ramayya was murdered. All the accused were also charged under section 147 of the Indian Penal Code with rioting, and under Rule 35 of the Defence of India Rules with committing prejudicial act by attempting to burn the police station. At the trial the learned Sessions Judge convicted Lakhan Naik of the murder of Ramayya under section 302 of the Indian Penal Code, and sentenced him to death. He also convicted him under section 147, Indian Penal Code, and Rules 35 and 38 of the Defence of India Rules, but imposed no separate sentence. He acquitted Laichan Bhumi (accused No. 11) Arjuna Bhumia (accused No. 18) Sombarum Bhumia (accused No. 20) and Sonia Bhumia (accused No. 21). He convicted all the remaining accused (the appellants in Cr. A. appeal No. 28) under section 302 read with section 149 of the Indian Penal Code, and sentenced them to transportation for life, under section 147 to two years' rigorous imprisonment and under Rule 35 of the Defence of India Rules to seven years' rigorous imprisonment, the sentences to run concurrrently.

Before the learned Sessions Judge and in the petitions of appeal the principle line of defence was that Lakhan Naik was an apostle of the doctrine of non-violence and that the other members of the assembly also adhered to that doctrine, and that they had no intention of assaulting or killing any government servants, but rather that they wished to court arrest and that the riot that transpired was due to the action of the police in voluntarily assaulting the mob. Mr. Pitambar Misra, who has appeared for the appellants in this Court and who has taken every possible point and said all that can be said on behalf of his clients, very properly did not think fit to add to his difficulties by taking that point before us. It is perfectly clear that the intentions of the mob were to assault, if not to kill, the government servants present and to burn the police station and that the first resort to force was by the mob and that the police only acted in self-defence, and that in fact, it is quite clear that it was only due to the fact that the Divisonal Inspector and his policemen and other helpers and in particular Sub-Inspector Dora kept their heads and displayed great courage and discipline that a very serious tragedy was averted with a comparatively small loss of life. If the police had failed to display the resolution and courage which they did display, I have no doubt that the whole or most of the party would have been murdered.

Before us Mr. Misra has made four points. In the first place he has submitted that the evidence before the court as to the fact that Lakhan Naik (accused No. 1) was the actual assailant of Ramayya is not such as to warrant a conviction on the charge of murder, and secondly, in support of that contention he submits that an inference adverse to the prosecution should be drawn from the failure of the prosecution to call six persons who were present at the incident but who did not give evidence, particularly the excise Sub-Inspector, the officer of the Public Works Department, and one Neelakantham a villager. Thirdly, he says that having regard to the circumstances of the case and the form of charge under section 147 a conviction of the accused generally under section 302 read with section 149 of the Indian Penal Code is not warranted. Fourthly, he has submitted that in the case of ten of the accused the evidence that they took part in the riot is not sufficiently conclusive to warrant a conviction on any charge. He very properly did not attempt to argue that the conviction of Lakhan Naik under rule 39 of the Defence of India Rules for making a prejudicial speech, or of the accused generally under section 147 of the Indian Penal Code for rioting and under Rule 35 of the Defence of India Rules for doing a prejudicial act in attempting to burn the police station could be challenged.

With regard to the first point as to the evidence directly implicating Lakhan Naik in the murder of Ramayya, it is necessary to examine in detail the evidence of the 28 eye-witnesses. Nine have given evidence describing the death of Ramayya. The Divisional Inspector himself (P. W. 33) stated that Ramayya was killed, but he does not attempt to give any description of how he died, or name his assailant. It appears in fact that at the time of Ramayya's death he was somewhere away to the east of the entrance to the compound. Sub-Inspector Ramamurty (P.W. 1) states that Ramayya was hit by Balaram Pujari on the right side of the neck with a *lathi* and was hit by a stick (but later corrected to a *lathi*) by accused No. 1 Lakhan Naik. Ramayya fell down and died. Mr. Misra pointed out in criticism of the evidence of this witness that apart from the general difficulty of observing details in a riot such as this, he had himself been previously injured by a *lathi* wound on the head which, according to the medical evidence, would have rendered him unconscious. The medical evidence also was that he would have recovered rapidly, and he himself, although not directly asked as to whether he did at any moment lose consciousness or not, leaves the impression that he lost consciousness, if at all, for a very short time, but that after his wound he was standing leaning on the fence, a little distance

to the West of the entrance. It is, however, perfectly just to say that the evidence of this witness on a point of detail although given in good faith is in the circumstance not very reliable.

The next important witness is Sub-Inspector Dora (P.W. 2). This officer was injured but not seriously and a general consideration of the course of the incident makes it perfectly clear that he kept his head to a remarkable degree throughout the incident, and I have little doubt that it was largely due to his courage and presence of mind, with that of the Divisional Inspector, that the mob was dispersed with so little serious injury to the police party. He prepared the First Information Report immediately after the occurrence, and his evidence as a whole shows that he observed accurately what came within his vision, and did his best to report it faithfully to the Court. On this subject he states: "I had seen Lakhan Naik and Balaram Pujari attacking Ramayya. He was given a *lathi* blow by Balaram Pujari on the right side of neck. Lakhan gave a blow on the head. Ramayya fell dead."

The next witness of importance on this point was Narasimham, the Revenue Inspector of the Jeypore Raj (P.W. 14). He also, in my judgment, kept his head and was a careful witness. He states: "I observed Ramayya being beaten with *lathis* by the accused Lakhan Naik and Balaram Pujari. He fell down to the ground and died instantaneously. He does not state which accused struck which blow. It has been pointed out to us that Sub-Inspector Dora was a police officer and (P.W. 14) was an officer of the Jeypore Raj and, therefore, they are interested witnesses. I have, therefore, scrutinized their evidence with great care. With regard to Sub-Inspector Dora I observe that although he names these two accused in the First Information Report as being the assailants of Ramayya he does not there state which of them struck which blow. It may be, therefore, that his evidence on this point should not be taken as conclusive. On the other hand, having regard to his evidence as a whole and that of (P.W. 14) I see no reason to reject their statements that Lakhan Naik and Balaram Pujari were the assailants of Ramayya.

There are six other witnesses who in fact speak to this point, and I will refer to their evidence shortly. Firstly, there is (P.W. 13) peon of (P.W. 14). He states that he saw Balaram Pujari dealing a a blow with a *lathi* on the neck of Ramayya, and Lakhan Naik striking him on the head. To some extent this witness is not such a satisfactory witness as the more responsible officers and his evidence does not add very much to theirs.

Three further witnesses (P.Ws. 15, 16 and 17) who were inhabitants of Mathili, the last being in the employ of Jeypore Raj, state that they saw Lakhan and Balaram assaulting Ramayya, but none of them state which of them delivered which blow, except (P.W. 15) who in cross-examination, but not in his evidence in chief, states that Lakhan was the one who hit him on the head. I think their evidence does corroborate the evidence of the Sub-Inspector and (P.W. 14) that these two accused were Ramayya's assailants, though it throws no real light which of them struck the fatal blow. Two other witnesses also depose to these facts. One (P.W. 18), a villager and arrack vendor, but it is clear that this witness has allowed his imagination to run away with him, and his evidence is not to be relied on. The last witness is (P.W. 19), police constable Mahanty. He is in the same position as Sub-Inspector Ramamurty (P.W. 1) in that he had himself been injured before Ramayya was assaulted, and in those circumstances it is doubtful how far he was capable of accurate observation afterwards. The general criticism made by Mr. Misra that it is not possible in a confused fight of this kind for witnesses to observe individual incidents correctly I must reject. It is a matter of notoriety that it is possible, even in the most confused circumstances, and in the state of great mental stress, for a person, who keeps his head, to observe accurately circumstances within his range of vision. It may well be that in such conditions a person would not observe every incident. In fact, it is most unlikely that he would, but in certain incidents, either because they are brought particularly to his notice, or simply by accident. Now it is to be observed that Ramayya was the only man killed on the police side in this riot, and it is clear that he must have been killed instantaneously. That is a circumstance which is likely to have attracted the attention of any one who happened to be looking in his direction at the time when he was killed. The witnesses in my judgment are reliable on this point and were all capable of observing what happened. Sub-Inspector Dora was then retiring from the entrance to the police clearing from the roadside towards his quarters to the west of the enclosure and states that he was to the right of Ramayya and to the west and Prosecution witness No. 14 was not very far away, (P.Ws. 15 and 16) were said to be quite close. In these circumstances I see no reason to reject their evidence.

I find it, therefore, proved that Ramayya was killed by a combined attack by accused Nos. 1 and 2 Lakhan Naik and Balaram Pujari. I do not consider that there is sufficient evidence to show which of the two struck the fatal blow, but in my opinion that does not make any difference to the decision which ought to be come to by this court. It is open to us to pray in aid section 34

of the Indian Penal Code. The murder was committed by the two accused in furtherence of their common intention and each of them is liable for the murder as if he alone had done it. Accordingly, in the case of the accused Lakhan Naik I would convict him of the murder of Ramayya under section 302 read with section 34 of the Indian Penal Code.

I should say that with regard to the submission made by Mr. Misra as to the failure of the prosecution to call the Excise Sub-Inspector and the officer of the Public Works Department and the other eye-witnesses that I do not think that in this case the prosecution have acted improperly. I fully appreciate that in certain cases, in fact in most cases it is the duty of the prosecution to call all persons who are alleged to have witnessed the occurrence and the defence are entitled to draw a conclusion adverse to the prosecution from their failure to call any witness. But every case must depend upon its own circumstances. In the first place, there must be a limit to the number of witnesses which the prosecution is required to call. In this case they called 28 eye-witnesses, and they may well have thought that no useful purpose would be served by calling six more. Secondly, having regard to the general nature of the evidence led in this case, it is impossible to draw any conclusion adverse to the prosecution from their failure to call these witnesses, except the conclusion that these witnesses had nothing useful to say on this particular point. Only nine of the twenty-eight witnesses examined were able to say anything on this point and the other nineteen were merely silent. No single witness suggested to any one that one of these two accused as being the assailants. In these circumstances the most that could be said is that these six witnesses, if called, would not have supported the prosecution on this point, but their failure to do so would not have affected the credibility of the witnesses who did depose to the circumstances in which Kamyya met his death and whose evidence, I consider should be accepted.

The next point is the charge under section 302 read with section 149 of the Indian Penal Code against the accused generally other than Lakhan Naik. Section 149, so far as it is material for this purpose, reads as follows—"If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly is guilty of that offence". It was submitted by Mr. Misra that the common object of the unlawful assembly was to over-awe by criminal force certain public

servants and to commit the offence of mischief and assault. He argued that the murder of Ramayya was not committed in prosecution of that common object. He also attempted to argue that the members of the assembly must not be taken to have that murder was likely to be committed in prosecution of object. In my judgment, however, his contention cannot be accepted in place of the very clear evidence in this case. In the place, the mob was a very large one of a thousand at least, armed with very formidable weapons, green heavy *lathis*. The party opposed to them was small but, as they saw, armed with fire-arms. They were twice met and remonstrated with by the police, once by the market before the assembly was held and again later at the entrance to the police enclosure. The speech that was made to them and the slogans that were shouted by the members of the mob, made it perfectly clear that injury, which might result in death or deaths, was intended against the government officials. I have already stated the substance of the speech made by Lakhan Naik in the market. All the prosecution witnesses state that when the mob came to the police station they were shouting slogans. The general substance of the slogans is in every case the same. I will take the evidence of the Magistrate, Mr. Majibur Rahaman (P. W. 8), as a sample. He gives the slogan as follows:— 'That thay were warriors. They would kill all government servants and burn police stations'. His evidence is amply corroborated by other witnesses. Some of them, it is true, use the word 'beat' instead of the word 'kill', but they all emphasise 'We are warriors' and the fact is that the police station was to be burnt and government officials were to be killed or beaten. I am afraid that in a case of this kind with a mob of a thousand men attacking a party of thirty-five with heavy *lathis* I am unable to draw any substantial distinction between being killed and being beaten. It is material to observe that the Divisional Inspector in cross-examination expressly states that he heard the mob using the word '*pujo*' (kill). In my judgment, therefore, it is impossible to contend that persons who were members of the assembly and joined in the assault on the police station were not aware that murder was likely to be committed in the course of that assault, and they were all, therefore, in my judgment, liable to conviction for the commission of murder under the provisions of section 149 of the Indian Penal Code.

The last point in the case is the question of the identification of the various accused. Mr. Misra has gone through the case very carefully, and has drawn our attention to all the cases in which the identification is open to doubt. They are ten in number, and I will refer to them in detail in a moment. With regard to the other accused, the identity cannot be questioned. To start with the mob

suffered casualties to the extent of five killed and seventeen injured, and many of those injured are before the Court. When they have been clearly identified by witnesses and are shown to have been injured, it is impossible for them to contend that they were not present. Another class including a number of the accused besides being identified by witnesses admit that they were present but state that they were only going to court arrest. In view of the evidence, which cannot be disputed, it is, as I have already said, impossible, in my judgment, for any member of this assembly to say that he was only going to court arrest. I find it clearly established that the members of the assembly must have known that they were proposing to burn the police station and assault the government servants, and must have intended to take part in the assembly with that object. A third section of the accused are identified specifically by particular prosecution witnesses who name them as their assailants. Such identification cannot be challenged. There is one accused No. 6, Kondu Naik, who does not fall into any of these classes, but he was identified by no less than eight witnesses against only one of whom can any serious suggestion be made and, therefore, I hold that his presence in the assembly is proved.

The remaining accused are No. 13, Dinabandhu Pujari. He was only identified by the Revenue Inspector (P. W. 14) and the local arrack vendor (P. W. 18). Prosecution witness No. 18 is a witness, who, as I have already said, has allowed imagination to run away with him. I cannot, therefore accept his identification. Prosecution witness No. 14 is, in my judgment, a careful and truthful witness, but this man admits that he was at the market where the Revenue Inspector went, and he may well have failed to distinguish as to what time in the morning he saw him. In any case, in a case of this kind I would not care to convict on the evidence of one witness alone.

Accused No. 16 Bagana Pujari—His case is the same as that of accused No. 13.

Accused No. 26, Dhanurjaya Pujari or Naik—He was identified by (P.Ws. 14, 18) and two other witnesses, villagers in the police party (P.Ws. 23 and 31). It does not appear that, except (P.W. 14 and P.W. 18) who, as I have said, is not a reliable witness, these witnesses know this man previously, or had any special reason to remember him. On the whole therefore, in a case of this kind I think that the better course is to hold that his presence in the assembly has not been established beyond a reasonable doubt.

The next is accused No. 48, Mangaraj Naik. He is identified by Sub-Inspector Dora and (P.W. 14). The Sub-Inspector, however

did not name him in the First Information Report and in the absence of any explanation as to why this was done and of any overwhelming body of corroborative evidence implicating him in the assembly I do not think that it would be proper to hold that his presence has been established without all reasonable doubt.

Accused No. 49, Bhaga Naik—He is also only identified by (P.W. 14) and one other witness, (P.W. 17,) who is in fact the attendant of (P.W. 14.) I, therefore, think that there is not sufficiently independent testimony in this case to corroborate the identification by (P.W. 14,) and in this case too I hold that the presence of this accused has not been proved.

Next there are accused 51, Guru Naik, No. 52 Kalakura Arjun, and No. 53, Narasingh Dhurva. All these are identified by Sub-Inspector Dora, but not named in the First Information Report, and by another witness as in the case of accused No. 48 and for the same reasons I do not think it would be proper to uphold the conviction in these three cases.

Lastly, we have accused No. 54, Motiram Singh Madkami, who is also not named in the First Information Report and is identified by the Divisional Inspector (P.W. 33) and constable (P.W. 23). But the Divisional Inspector failed to recognize this accused in Court, so that the substance of his inclusion depends on the evidence of the constable alone. I do not think it would be right in this case to convict him on his evidence alone. I, therefore, hold that this accused has not been satisfactorily proved to be present in the mob.

With regard to the question of sentence, in the death reference, in my judgment, it has been proved beyond a shadow of doubt that Lakhan Naik led this mob, and it has been proved to my satisfaction that the mob did intend to commit murder or such serious injury that death was likely to result to a number of policemen and other government officials. He knew that the police were going to defend the police station and he encouraged the mob to attack the police and the station and he led the attack in person. This much is perfectly clear from the evidence. In the course of this attack he is proved to have assaulted Ramayya with a *lathi.* If he did not strike the blow that caused his death, it is only an accident, though it is clear that both blows were aimed at the head. If Lakhan's was the blow which only hit his neck and shoulder that was not any fault of Lakhan's. It was only due to the exceptional presence of mind and courage of the police and their helpers which

prevented murder being committed on a very much larger scale and, in my judgment, there is no reason for not passing the extreme sentence in this case. I would accordingly accept the death reference, dismiss the appeal No. 27 and direct the sentence of death to be confirmed and carried into execution.

With regard to appeal No. 28, as I have said, except in the case of the ten accused I have named, I would affirm the conviction under section 302 read with section 149 of thc Indian Penal Code, and it is not open to court even if we so desire to do otherwise, than confirm the sentence of transportation for life. I would also confirm the conviction and sentences on the other charges. In the case of the ten accused I have mentioned I should allow their appeal and set aside the convictions and sentences against them on all charges.

SD. PETER H. R. BROUGH

Meredith J,

I entirely agree.

SD. H. R. MEREDITH

Patna, High Court,
Patna, the 13th January, 1943.
O.P.A.

APPENDIX D

APPENDIX D

In The High Court of Judicature at Patna, Cuttack Circuit

Criminal Appeals Nos. 13 and 14 of 1943.

From a decision of Mr. P. C. Mohanty, Special Magistrate, Bhadrak, dated the 16th April, 1943.

Cr. A 13/43 Gangadhar Behera ... Appellant
Cr. A 14/43 Gobind Bagurai ... Appellant.

Versus.

THE KING EMPEROR

For the appellants — Mr. P. C. Chatterji.
For the Crown — The Advocate General.

Present

The Honble Mr. Justice Chatterji.
The Hon'ble Mr. Justice Sinha.

Sinha J.

These two appeals arise out of the judgment of the Special Magistrate of Bhadrak convicting the appellants along with others and sentencing them as follows :— Under section 147 to one year's rigorous imprisonment, under section 152, read with 149 of the Indian Penal Code, to two years' rigorous imprisonment, under rule 35 of the Defence of India Rules, with section 149 of the Indian Penal Code, to two years' rigorous imprisonment, and under rule 38(5) read with rule 34(6)(p) of the Defence of India Rules to one year's rigorous imprisonment to run consecutively.

The two appellants along with 29 others were placed on their trial before the special Magistrate in respect of an occurrence which is said to have taken place (p. 2) on the 28th September, 1942, at Milanpada within Police Station Basudebpur in the district of Balasore. The prosecution case is that during the August disturbances of last year, as the local police of Basudebpur Police Station could not control the situation, an armed force was sent to Basudebpur and the Inspector of Police (P. W. 3) was also deputed there. On the day of the occurrence at about 7 p. m. in the evening a large mob of two to three thousand men had collected at a place called Milanpada of Bram. Some members of the mob snatched away the kits which were being carried by the *chaukidars* (P. Ws. 5, 6 and 29). The special constable (P. W. 4) managed to slip away from the crowd to report the fact

to the police officers (P. Ws. 1 to 3) who were staying in the house of (P. W. 16). Getting the information, the Deputy Superintendent of Police (P. W. 2) the Inspector of Police (P. W. 3) and the Sub-Inspector of Police (P. W. 1) with an armed force, went to the place where the mob had collected. The prosecution case is, further that, as the mob did not return the kits on being asked to do so and did not disperse as ordered by the Inspector of Police, on the other hand, in a deflant attitude, attempted to rush towards the police force the Deputy Superintendent of Police ordered the force to open fire. Thereupon the mob retreated, and the police officers going upto the place where the mob had collected found 25 *lathis* and the kits laying there. A number of dead bodies were also found lying near about the place of the meeting, and a number of others, who are said to have been found lying on the spot without any injuries, were arrested. After that (P. 3) the police force spent the night at the place of (P. W. 16). The Sub-Inspector of Police (P.W. 1) drew up the first information report (exhibit 1) soon after the occurrence, at about 7-30 p. m. on his own statement and started investigation. He arrested a number of persons who appeared to have gunshot injuries, and other police officers also arrested a number of persons who had injuries apparently on account of gunshots. Ultimately, charge-sheet was submitted against the persons who were placed on their trial and convicted and sentenced as indicated above.

The following charges were framed against the appellants as also the others :—

(1) Under Section 147 of the Indian Penal Code that they were members of an unlawful assembly with the common object of defying the legal orders of the police in not returning the kits taken away by some of them.

(2) Under Section 152/149 of the Indian Penal Code that they were members of an unlawful assembly in prosecution of the common object, threatened to use criminal force to the police officers who were discharging their duties as public servants and endeavouring to disperse the unlawful assembly.

(3) Under rule 35 of the Defence of India Rules read with section 149 of the Indian Penal Code, that they were members of an unlawful assembly with the common object of causing damage to the kits of the armed force, which were properties of government.

(4) Under section 342, read with 149 of the Indian Penal Code, that they were members of an unlawful assembly with the common object already mentioned and (P, 4) wrongfully confined the *chaukidars* and

(5) Under rule 38 (5) read with rule 34 (6) (p) of the Defence of India Rules that they otherwise prejudiced public safety and interest.

It may by mentioned here that the fourth charge under section 342 read with 149 of the Indian Penal Code has been held by the trial court not to have been established.

Counsel for the appellants has argued the appeal on behalf of the respective appellants in the two appeals and has also argued *amicus curiae* the case on behalf of the other accused who are not appellants before us. We have been asked to exercise our powers under section 439 of the Code of Criminal Procedure. The appeals were originally heard on the 30th of November and the 1st December when the learned Advocate General rightly pointed out that, as there was no appeal on behalf of the other convicted persons, and as he had no notice that the case on their behalf also would be urged before this Court, he was not then prepared to make his submissions in respect of those accused who are not the appellants in this Court. Hence, the case was adjourned till the 7th of December to enable the learned Advocate General to get ready to argue the case against the appellants as also the others who have not come up to this court in appeal. He has placed *in extenso* the evidence of the three superior police officers, namely (P.Ws. 1 to 3,) to show the nature of the crowd and the attitude adopted by them. On a perusal of all that evidence it is apparent that the police force did not give the usual warning of some blank fires before actually opening fire with bullets on the crowd. The result has been that in a large number of cases the accused persons have come out with the defence (P. 5) that they were innocent passers-by who were hit by the bullets fired by the police force and that there is no evidence against them of having participated in the objects of the unlawful assembly, and have examined a large number of defence witnesses, as many as 50, in support of this defence. As the others have not come up in appeal, and all the relevant papers relating to them have not been included in the paper cases, apparently these persons have not felt aggrieved by the orders of the court below to the extent of filing appeals to this Court. Hence, we are not in a position to deal with all those cases as fully as we should have done if they had filed their appeals and notice had been given to the Crown that their appeals also will be dealt with in the usual course.

Now, coming to the cases of the two appellants, I find that the case against Gangadhar Behera, according to the judgment of the court below, rests on the circumstantial evidence afforded by

the bullet wound on the outer aspect of the right palm. Referring to this aspect of the case, the learned Magistrate has observed as follows :—" The position of the injury, as it is, cannot but make one hold that the accused was one among others in the front of the unlawful assembly which rushedtowards the police force." I fail to see how the learned Magistrate could be so emphatically definite about this accused being in front of the unlawful assembly. It may as well be, as pleaded by the accused from the dock and as deposed to by D.Ws. 21, and 22, that while returning from the house of his niece he saw the firing at the (P. 6) scene of occurrence which lies on his way. He was running away when he got the gunshot wound. The learned Magistrate has rejected the testimony of those two witnesses on behalf of the defence, firstly, on the ground that D.W. 21 is the father-in-law of his niece, and secondly, that it is improbable that the accused would have gone to the scene of the occurrence after hearing the firing. He has rejected the testimony of D.W. 22 on the ground that he deposed to have seen the accused coming from the house of Gobind, ten to fifteen minutes after he heard the sound of firing. Here the learned Magistrate has entirely misread the evidence of D.W. 22. What he actually said was that he saw the accused coming from the house of Gobind near his own house, and ten to fifteen minutes after that he heard the sound of firing. In my opinion, the evidence of the two defence witnesses does make out a plausible case on behalf of this appellant. In the absence of direct testimony of any witness, connecting this appellant with the alleged crime, I am not prepared to hold that the circumstantial evidence is wholly inconsistent wlth the innocence of this appellant. I would, accordingly, give him the benefit of the doubt and acquit him.

The case against the appellant Gobind Bagurai stands on the same footing so far as the prosecution is concerned, that is to say, the evidence against him consists of a bullet wound on the backside of his left shoulder. As against this single piece of circumstantial evidence the accused has examined D.W. 12 in support of his defence that he had gone to his father-in-law to invite him to a *shradh* ceremony in his house. He left his father-in-law's place about dusk, and while passing by the public way, he got (P.W. 7) his injury. In his case also the circumstantial evidence is not entirely inconsistent with the innocence of the appellant. The learned Advocate General has sought to corroborate the circumstantial evidence aforesaid by reference to exhibit 5 (1) which purports to be a list of persons dead and wounded in the shooting that evening. It is said that the Sub-Inspector seized this list from the place of the accused Anirudha Mohanty apparently the next day; but no seizure list has been produced to show that this document

was actually seized from the possession of the said accused, nor is there any evidence forthcoming to show that this list is in the handwriting of, or was got prepared by, the said accused. Hence, in my opinion, the prosecution has failed to bring the charge home to this appellant also.

Now coming back to the charges framed against the accused persons, I find that the charge under section 152 read with section 149 of the Indian Penal Code cannot be sustained inasmuch as there is no evidence to show that, when the police force was trying to discharge its duties of dispersing the unlawful assembly, anything was done by the mob. This was practically the charge which must necessarily fail. Similarly the charges under rule 35 of the Defence of India Rules read with section 149 of the Indian Penal Code and under rule 38 (5) read with 34 (6) (p) of the Defence of India Rules must be held not to have been made out inasmuch as there is no evidence that the accused persons, or the unlawful assembly, actually caused or had intention to cause, damage to Government property, nor is there any evidence to show in what way they prejudiced public safety and interest.

In the result so far as the appeals of the two appellants are concerned, I would allow them and direct that they be acquitted and set at liberty forthwith. The charge under section 152 read with section 149 of the Indian Penal Code and under rule 35 of the Defence of India Rules having been held to be unsustainable on the evidence in this case, the convictions and sentences of the remaining accused persons under those charges must be set aside with the result that the conviction under section 147 of the Indian Penal Code only remains. Hence, so far as the accused persons other than the two appellants are concerned, I, in the exercise of powers under section 439 of Code of Criminal procedure direct that their sentences under section 152 read with section 149 of the Indian Penal Code, under rule 35 of the Defence of India Rules read with section 149 of the Indian Penal Code and under rule 38 (5) read with rule 34 (I) (p) of the Defence of India Rules be set aside. Their conviction and sentence under section 147 of the Indian Penal Code to one year's rigorous imprisonment each, only is maintained.

SD. B. P. SINHA

Chatterji J.

I agree.

SD. S. C. CHATTERJI,

Patna High Court
Cuttack Circuit,
The 13th December, 1943.

APPENDIX E

APPENDIX E

Eram Firing

Joint Enquiry Report

1. We have been asked by Government to make our enquiries into the firing at Eram on a joint basis with special reference to the number of casualities caused and the alleged attempt to set up a parallel organization. We arrived at Bhadrak in the evening of the 16th October. A large number of wittnesses, a list of whom is given in Appendix A, and documents relevant to the enquiry, a list of which is given in Appendix B., were examined at Bhadrak on the 17th and 18th. We had the benefit of the presence of the District Magistrate and the Superintendent of Police during enquiry. We had intended to vist Eram but found this impossible owing to the impassable state of the 15 mile *kutcha* road from Simulia via Basudebpur to Eram as the result of the cyclonic rain immediately preceding our visit to Bhadrak. We will deal with communications in the disturbed area later but may point out here that poverty of communications is one of the major factors in the whole situation and undoubtedly contributed to the setting up of a rebel organization at Eram. We had, however, the advantage of a detailed map prepared to scale by the *Kanungo* deputed by the District Magistrate and in view of this and the volume of evidence both official and non-official available at Bhadrak we are satisfied that a visit to Eram would not materially have assisted our enquiry.

Events Preceeding the Firing

2. There was no trouble in Basudebpur police-station during August. On the 1st September there was a meeting of about 200 people at Daulatpur Bazar in which the cutting of telegraph wires, burning of dak bungalows and police-stations and non-payment of taxes were advocated. It was about this time that Anirudha Mahanty, a lieutenant of Sri Jagannath Das, M.L.A. now under detention, came to Basudebpur police station from Dhamanagar police-station where he had already stirred up trouble which culminated in firing with fatal results. He is a resident of Eram, a large village, which he made the headquarters of the movement. Thereafter followed a series of meetings in differen parts of Basudebpur police station. The chief organizers were Anirudha Mahanty, Kamala Kanta Kar of Sankharo and Gourang Charan Mahanty, of Barandua. At all these meetings non-payment of taxes and pressure upon *chaukidars* and *daffadars* to resign their posts were preached. It was given out that Swaraj would be

attained within a week, that the British government had been destroyed and that under a Swaraj Government no taxes would be paid and the paddy of the rich would be available to the poor. Meetings were held on September the 4th (Eram), 11th (Bertrahat), 12th (Satipati), 18th (Brahmangaon), 16th (Bertrahat with a procession through Basudebpur to Eram) 17th (Eram) and 18th (Basudebpur). At the same time the programmee of coercing *chaukidars* and *daffadars*, many of whom appeared before us, was put into effect and paddy was extorted from substantial people by means of social boycott and personal violence even against women. As these activities proceeded without serious interference, lawlessness increased and became more widespread, especially in the semi-circular area lying between the rivers Kansbans and Gambhi (or Gamei) and the sea, which covers an area of about 40 square miles. There are three groups of villages in this area the Eram, the Sankharo-Padhuan and the Suan-Sadeipada groups. This area is particularly inaccessible, which is doubtless the reason for its selection. There is indisputable evidence, including some from Congress sources, of a highly-organized system of intelligence in this area. Signals passed from village to village by conch-blowing to indicate the arrival of Government forces and it is in evidence that the plans of the police were promptly conveyed to the insurgents.

3. A serious situation consequently developed in this area. On the 17th September *chaukidars* and *daffadars* were asked to hand over their uniforms and on their refusal were abused as slaves by a large crowd. On the 18th the Inspector of Police arrived with a force of one havildar and 12 constables. On the same date Anirudha Mahanty, Kamala Kanta Kar and Gourang Charan Mohanty delivered speeches at Basudebpur and it was decided to attack the police-station on the 22nd. On the 19th three persons were arrested in Eram but the ring-leaders escaped. When the Inspector, with the armed police, was returning, his way was barred by a large crowd, who tried to garland the accused, but the party made its way back without mischance. On the 20th the Inspector had to go to Bhadrak as His Excellency the Governor was passing by train and was absent from Basudebpur for at least 24 hours. On that day the coastal watching station at Kulikhati bungalow, which is about a mile and half to the east of Eram, was raided by a gang armed with pick-axes and crow-bars. The intended raid on the police building did not materialise on the 22nd and that night the armed police was reinforced by 10 constables. On the 24th September an order under section 144 Criminal Procedure Code, was passed by the District Magistrate prohibiting the gathering of more than five persons within

Basudebpur jurisdiction. On the 26th the Deputy Superintendent under orders from the Superintendent of Police reached Basudebpur.

Firing at Eram

4. On the 28th September the Deputy Superintendent, the Inspector and the Sub-Inspector left Basudebpur at 2 p.m. with one subeldar, one havildar and 18 armed constables for Eram to arrest Anirudha Mahanty and his associates and prevent the holding of a meeting of which information had been received. At Chaudamani they saw a man blowing a conch, who pretended that he was doing so because there was a *puja*. Just before crossing the Gamei they noticed a gathering of 300 people, and many conches were blown. They saw a man swim across the river and hasten towards Eram, obviously the messenger posted to give warning of the arrival, strength and disposition of any Government force. The crossing took time as there was only one small ferry boat, so the kit got left behind in the charge of three *chaukidars*. On their way from the river to Eram they saw people in groups of 3 and 4 sitting on the verandahs of the houses and watching them, many with their *lathis* besides them, and the conch-blowing continued. At about 6 p.m. the police reached the house of Sri Radha Kanta Padhy, a locol zamindar. The party had just been given orders to rest when one of the *chaukidars* reported that the kit had been looted and that the other two *chaukidars* had been caught. The Deputy Superintendent ordered the force to fall in and leaving four men at the zamindar's house returned with the rest of the party towards the village. In the Milanpada they encountered a crowd about 3,000 strong. It is clear from the evidence that this crowd was in a very excited and determined mood. They were carrying *lathis* and were shouting "Mahatma Gandhi *Ki Jai*" and "*Angrej Rajya Ka Dhwans Ho*". The Inspector was sent a few yards ahead by the Deputy Superintendent to order the crowd to disperse and return the kit and release the *chaukidars*, and to warn them that if they did not obey, fire would be opened. The crowd refused to listen and continued to advance. Thereupon the Deputy Superintendent drew up his men with seven facing the crowd, one on each flank and five facing the rear. This was necessary as there was danger of attack from the flanks and the rear. The crowd was eventually declared to be unlawful and the Deputy Superintendent gave the order to fire at about 6-30 p.m. Two volleys, with a short interval between, were fired by the seven men in front. No one was seen to fall, but visibility was not too good and this does not mean that no one was hit. In any case instead of going away the mob grew more

excited, the shouting increased, and the rioters advanced upon the police. The Deputy Superintendent was therefore forced to order independent firing, which caused the crowd to retreat and the order to cease fire was given. When, however, the party advanced to see to the dead and injured the rioters again pressed forward shouting that the police had exhausted their ammunition and could be attacked wlth impunity. As the police were no longer in formation and the light was failing the situation became more dangerous and independent firing had again to be ordered in self-defence. This cleared the square but a large mob still remained in the vicinity of the Hatpada. The whole incident, from the first to the last shot fired, probably lasted about a quarter of an hour. By the time the police had arrested seven men who were pretending to be dead and collected 23 *lathis*. Night had fallen and they withdrew to the zamindar's house. A messenger was sent to Marcona station with a telegram to the Superintendent of Police, stating that there were 25 dead from the firing, that the party was surrounded and that help was necessary. Early on the morning of the 29th the police returned and collected 13 dead bodies in or near the Milanpada and two were found in neighbouring houses. Only 11 could be identified at the time but the other four were traced subsequently. As it was impossible to send the bodies to Bhadrak for post-mortem examination the Assistant Surgeon was summoned and arrived at Eram on the morning of the 1st October after taking about 16 hours on the journey, mostly by bullock-cart. Meanwhile the bodies had been kept under guard on a *machan* to protect them from wild animals. By the time the doctor arrived they were highly decomposed and a thorough post-mortem was impossible. The names of the remaining dead were ascertained in the course of subsequent investigation.

Justification For Firing

5. The facts stated in the preceeding paragraph show that the firing was unavoidable. It will be observed that when the police were first on their way to the zamindar's house they saw only small groups of persons and no large crowd had collected, but half or three-quarters of an hour later when the force returned to the Milanpada a large and excited mob of 3,000 or more had assembled there. There was hardly time for all these persons to come in from the neighbouring villages, two or three miles distant and it is evident that they started to make for Eram when the firing warning was given before the police had crossed the Gamei. There is reason to believe that this warning was taken up and passed on by conch-blowing from village to village and the crowd

was no doubt collecting from that time onwards. There is evidence that it was addressed by Kamala Kanta Kar immediately before the return of the Police. It is clear therefore, that there was no question of firing on a peaceful meeting. The crowd was deliverately summoned on account of the arrival of the police and had already committed overt acts of lawlessness, *e.g.* the seizure of the kit and manhandling of the *chaukidars.* The Deputy Superintendent was in duty bound to make contact with the crowd and order it to disperse and deliver up their booty and could not avoid firing when it not only refused to obey but adopted a violent and threatening attitude. It is also to be borne in mind that the police were outnumbered by more than a hundred to one. In these circumstances we are fully satisfied that there was ample justification for the order to fire in the first instance. The subsequent order was inevitable in the circumstances. The situation of the government party was serious and it was clearly threatened. A failure at that stage to keep off the rebels would certainly have led to its being overwhelmed. Nor do we consider that the amount of firing was excessive. It is certain that the first order to fire did not continue for a minute longer than was necessary. 142 rounds were fired in all, including 14 revolver shots, and 114 empties were collected the following day, but it was impossible to ascertain how many were fired at each separate state. In his first report to the Superintendent of Police on the day after the firing the Deputy Superintendent mentioned only 115 rounds and did not refer to the separate stages of the incident but full details could not be expected at that time. In his report dated the 9th October, the District Magistrate refers to two phases of the firing—the first of about 80 and the second of about 40 rounds. We understand that this report was based on information supplied to him verbally by the Deputy Superintendent. It is clear that the first phase included the two volleys, followed by independent firing, all of which took place from the same spot, whereas the subsequent independent firing was a separate incident which occurred after the police had advanced to attend to the dead and wounded. There is, therefore no material discrepancy in these accounts of the occurrence.

Number of Casualties

6. The evidence on this point includes the following:—

(a) an up-to-date list of dead and injured prepared by the investigation officer,

(b) a list of dead and injured appearing in a letter, dated the 4th October, 1942, written by " B.O. " to " C.O. " and recovered from Surendra Nath Dwivedi's lodging at the time of his arrest at Cuttack.

(c) the evidence of the Assistant Surgeon and the Bhadrak Hospital Register of injured persons, and

(d) the evidence of villagers and *chaukidars*.

The document recovered from Surendra Nath Dwivedi gives the names of 20 dead and 38 injured. Their villages and relatives are also mentioned in nearly every case. This list, so far as it goes, tallies very closely with the official list. The latter is, however, more complete giving the names of 26 dead and 46 injured. All except one of the 20 persons given as dead in the Congress list find place in the official list also, though sometimes under a nickname or alias. The remaining name—Ratnakar Pani —has not yet been traced. Assuming that there was such a person, the total number of dead comes to 27 whose names are given in Appendix C and there is no evidence at all that this list is not complete. As regards the injured, 20 names are common to the official and Congress lists and these as well as the remaining 17 on the official list have been verified. There are 9 more names on the Congress list which are not on the official list. We have not been able to trace any of these but they may well exist, though their injuries may have been slight and they may have had good reason not to disclose themselves. Even including these 9 doubtful cases the total number of injured cannot exceed 55. The total number of casualties did not therefore exceed 82. We are satisfied that these numbers are approximately correct. Apart from the absence of any evidence of other casualties the number is unlikely to have been exceeded. There is not a shred of evidence that any one but the police fired or that any but police weapons or ammunitions were used. A strong rumour was current very soon after the incident greatly exaggerating the number of the killed. The origin of this rumour appears from the Congress document itself, which refers to an earlier report from the same source on the number of casualties as having been 'totally false and based on rumours.'

7. We consider it necessary to comment on the fact that amongst the casualties was one woman killed. There is no evidence that there was any woman in front of the mob but witnesses have informed us that there were some women and children on the flanks, watching the occurrence and joining in the shouting. It is probable that this unfortunate woman was hit by a stray bullet during the second independent firing, when the mob was crowding in upon the police from the flanks. Another point which calls for comment is that in about half-a-dozen cases the injured persons were hit on the side and in three cases from behind. None

of the dead, however, received any injuries from behind. It is clear that several people were hit while they were in the act of turning and three when they had their backs to the firing party, but it is impossible to ensure that no individual member of an unlawful assembly will be hit when in the act of turning or running away, nor is there any way of guaranteeing that all the bullets will only hit the women in front. No adverse conclusion can be drawn from these facts in regard to the control of the firing.

Parallel organisation

8. We have been especially asked to report about the existence of any parallel organization. We are afraid that evidence on this point is meagre. Another letter dated the 29th September 1942, from 'B.O.' to 'C.O.' reports that Swaraj *panchayats* were formed in 12 villages and after various public meetings 250 soldiers of the *maran sena* (Death Squad) had been enrolled. According to this letter it was proclaimed by beat of drum at the village hats and public roads that taxes would not be paid and that fishermen were fishing without taking a lease, but it is not unlikely that this document exaggerates the state of affairs in order to show the efficiency of the branch workers. There is evidence that Kamala Kanta Kar and others gave out that they were the sole Government in this area and that anybody disobeying them would be put into jail. During our enquiries we heard repeated reference to this Congress jail at Eram, but there is no evidence that anybody was actually put into it. There were a large number of cases of extortion of paddy under threat of social boycott or violence and there was definite attempt to destroy the rural police organisation. There was even an attack on a postal peon. We are, however, of the opinion that although it may have been the intention of the organizers of the movement to establish a parallel adminstration, it did not fully materialise and such incidents as those mentioned were rather attempts to prepare the ground. This may have been due to the fact that the organizers in this area, though they were able to get a considerable hold over the illiterate villagers, were men of inferior capacity and standing.

Conclusion

9. We are, however, of opinion that there was a lack of adequate control and initiative on the part of the local police at Basudebpur police-station in early September. No strong action was taken in the weeks preceeding the firing during which the ringleaders were holding daily meetings and stirring up trouble. Although the police had a force of 12 armed constables at Basudebpur they made no attempt to disperse the meeting held there on

the 18th or to arrest the speakers who were inciting the mob to raid the police buildings on the 22nd. If they could have secured the arrest of the three leaders who were present at the meeting on the 18th, much of the subsequent trouble might have been avoided. Any sign of weakness in the early stage of an uprising of this nature can only aggravate the trouble in the end. We understand the Sub-Inspector was mainly responsible for this state of affairs and that departmental action is being taken against him. In extenuation, however, it is only fair to add that not only were the weather conditions particularly bad but the locality is notoriously malarious and some of the police officers were actually suffering from fever. We also regard it as unfortunate that no experienced Magistrate was available to accompany the police force when it went to enforce the order issued under section 144 Criminal Procedure Code.

10. All the evidence goes to show that the disturbances at Eram and elsewhere were in no sense spontaneous rising but were artificially produced among ignorant and easily misled villagers by the deliberate efforts of mischievous politicians none of whom risked their own skins. This is evidenced from the rapidity with which conditions in the whole area returned to normal when these firebrands were caught or went into hiding. The people who took part in the disturbances were mostly men of the landless class and belonged to the poorer section of the public. They were attracted by the free distribution of paddy extorted from their more prosperous neighbours and there is no doubt that the ringleaders played freely upon their economic difficulties. It is not clear to what extent the general rise in prices and shortage of essential supplies were direct causes of these disturbances but we have little doubt that they were important factors in fomenting discontent. There is no sign of any propaganda by Government agencies having been carried out to counteract subversive influences, not does the National War Front appear to have functioned in this part of the province.

11. We are of opinion that one of the reasons why the outbreak gathered such strength was the inaccessibility of the Eram area, and this is no doubt why it was selected for the purpose. We feel strongly that law and order cannot be maintained in remote rural areas unless good communications are available. We strongly recommend that special attention be paid to this important matter and that funds are made available for improving communications in such areas. As we have already mentioned, it took the Assistant-Surgeon about 16 hours to get

to Eram and the District Magistrate took 4 hours of strenuous effort to push through to Basudebpur from Simulia a distance of about 8 miles. With reasonable communications the control and supervision of the police would certainly have been more effective and the subversive movement might have been checked in its early stages.

12. We should like to acknowledge the help we have received in our enquiry and in the drafting of our report from Mr. C. S. Jha, I. C. S., who was deputed by Government to act as our Secretary.

E. C. ANSORGE.
B. A. O. PERKIN.

Appendix C.

LIST OF CASUALITIES.

Name of Village	Name of deceased.	Name of injured.
Padhuan	1. Biswanath Das, S/o Manguni Das	1. Ghonturu Dalai, S/o Kati Dalai
	2. Bijoyli Das alias Bijuli Mahanty,	2. Mango Mahalik, S/o Nidhi Mahalik
	3. Gopal Charan Das S/o Aparti Das	3. Ballav Das S/o Sricharan Das
	4. Duruba De S/o Dansen De	4. Nandai Mandal, S/o Gangai Mandal
	5. Basudeb Sahu, S/o Dinabandhu Sahu	5. Bhaga Parida S/o Sambhu Parida
	6. Ballav Behera S/o Manu Behera	6. Bhola Dey S/o Gayadhar Dey.
	7. Hrushi Behera, S/o Hadi Behera	7. Banei Dutt, S/o Bidu Dutta
	8. Hari Behera S/o Radhu Behera.	8. Bali Palei S/o Kinu Palei
		9. Madan Palei S/o Chema Palei
		10. Madan Panda S/o Bipra Panda
		11. Akhi Parida, S/o Chandru Parida

		12. Maguni Biswal S/o Shyam Biswal 13. Bandhu Biswal S/o Rama Biswal 14. Naba Behera 15. Narahari Das. 16. Panchanan Padhi. 17. Balakrushna Das 18. Ratei Mandal.
Taharpur	9. Mani Behera S/o Hadi Behera 10. Krushna Swain. S/o Bindu Swain. 11. Kali Majhi S/o Bai Majhi 12. Bhua Majhi S/o Mohan Majhi. 13. Chutei Majhi, S/o Mangal Majhi.	19. Jadei Behera S/o Bipra Behera. 20. Budhi Das, S/o Siba Das 21. Santhan Padhi, S/o Purastam Padhi. 22. Hadi Majhi S/o Manu Majhi. 23. Padu Palei, S/o Gopal Palei. 24. Hara Deo. S/o Dwari Deo. 25. Kanduru Prusty, S/o Godhi Prusty. 26. Krushna Prusty S/o Rama Prusty. 27. Upendra alias Kangali Biswal S/o Bhaju Biswal. 28. Gopi Panda.
Santhalpur		29. Gangei Behera, S/o Dumei Behera 30. Sapan Behera S/o Madhu Behera. 31. Hadi Sahu S/o Fakir Sahu.
Muladihi	14. Radhu Mahalik S/o Bhagi Mahalik.	—
Bachhada	—	32. Kali Mahalik S/o Nidhi Mahalik

		33. Dhanei Biswal. S/o Siba Biswal. 34. Bhuban Naik 35. Padan Behera.
Sankharu	15. Kurup Behera, S/o Bhagu Behera.	36. Chemei Sahu S/o Bhgaban Sahu 37. Krushna Das S/o Purastam Das 38. Tila Ojha S/o Hrushi Ojha 39. Dina Sahu.
Artung	16. Gobind Rout S/o Raghu Rout —	
Iswarpur	—	40. Jati Sahu S/o Sama Sahu 41. Mahadeb Pati S/o Gadei Pati.
Ullugura	—	42. Sama Sankhua, S/o Baidu Sankhua
Nuagan	17. Upa Malik S/o Nandei Malik 18. Brundaban Panda S/o Sapan Panda	43. Chadhei Panda S/o Pursastam Panda.
Tilada	—	44. Balaram Das S/o Krushna Das
Eram	19. Pari Bewa S/o Narayan Sahu.	45. Bhima Behera, S/o Bhaju Behera.
Sadeipada	—	46. Sanei Behera S/o Gadadhar Behera
Suan	—	47. Ratnakar Biswal S/o Kali Biswal
Sudarsan-pur	20. Mani Padhan S/o Madhu Padhan. 21. Ratnakar Pani	48. Bhanu Mohapatra S/o Dullav Mahapatra. 49. Kali Sahu S/o Ballav Sahu

Adhuan	22. Nidhi Malik S/o Parsu Malik	50. Kangali Malik S/o Budhi Malik
	23. Sankar Malik S/o Budhi Malik	51. Purna Das, S/o Chinta Das
		52. Gobinda Bagdai S/o Narahari Bagdai.
Nandapur	24. Bhuban Rout S/o Madhu Rout	
Chudamoni	—	53. Kusa Tarei. S/o Sindhu Tarei
Gudu(Soro P.S.)	25. Prasadi Das & Pari Das S/o Mani Das.	54. Kasinath Das S/o Paranabandhu Das.
	26. Dibakar Panigrahi. S/o Damodar Panigrahi.	
Gondabadi	27. Bhalu Panigrahi. S/o Kanduri Panigrahi.	
Jagannathi	—	55. Juja Behera. S/o Panu Behera.

APPENDIX F

APPENDIX F

English translation of a letter from B. A. (Branch Assistant) to C. O (Surendra Nath Dwivedi) regarding Eram firing and other news items.

C. O.

Received the letter. I posted the letter day before yesterday. You may have received it yesterday. The details that were sent in that are now learnt to be not true to some extent. We have received dak from all the places. The Basudebpur worker, who was working there, came here yesterday. He has come to ascertain as to how he would control the situation there. He said that on the afternoon of Monday the D.S.P. was going to Eram with a force of 25. A river has to be crossed to go to the village. A worker was posted near the *ghat* to watch the movements. On seeing them he swam across the river and ran to Eram to give the news. He fell down only saying that the police had come. He was awfully tired carrying the news running round two miles' distance. When the S. I. with local police were going towards Eram in the morning a man blow conch-shell and he (S.I.) asked "why did you blow conch-shell"? He replied "because of the last rite ceremony of my father". Abusing him as "*Sala*" (brother-in-law) and "*Bedha*" (bastard) he fully dealt him with slaps and blows. Then in the afternon they came and joined the "armed police". Through the sounds of conch-shells news was circulated that the police had come. The people from two to three miles assembled together. At that time Kamala Kanta Kar (worker) explained to them again, "wait with courage, nothing will happen. If they 'attack' we would raid them.' The number of people swelled to 8000 or there about. He told them that those who were afraid of life and were unable to display courage, might go away. Aftere three or four warnings about five to seven hundred men left the assembly. It was Kamala's plan that after the concentration of all the forces in Eram he would have taken two thousand people in the rear and burnt the Basudevpur P.S.; Kamala had explained this in the meeting. The people agreed. Kamala again said 'you don't attack them first.' With the experience of Tudigadia the people said 'if they arrest you, we won't leave". So Kamala said 'if you resist my arrest there will be firing but nothing of our work can be done'. With these words he asked the people to allow the force to pass, if they come. He went away some distance. After going to a small distance a row was heard. On turning he saw that a post peon was carrying *dak* to Eram. He was stopped and the *dak* was snatched away and there was another incident a little ahead. That was, a *choukidar* was carrying D. S. P. 's water-proof, bedding and the hand

K

box (which was full of bullets) when he was stopped and robbed of the contents. The bullets were in the hands of the 'mob'. The *Choukidar* returned weeping and narrated the story. The D. S. P. said "I shall perform human sacrifice" and ordered the force to be ready. Where would they get bullets ? Then Radhakanta Padhi and Mukti Kanta Padhi, zamindars, gave 400 bullets and shots. With that they went to the spot. On arriving there they formed into lines of four, did firing by turn from the front and rear. The D. S. P. was giving orders while firing two pistols on both the hands and they were firing. As the people began to fly away, seeing two dying in the first round, they advanced and continued repeated firing. After firing for five minutes they returned. In the firing of these five minutes, 17 died. Information was received that those who received injury while flying away died 20/25 minutes, later. They were 18. It was known that some of these 18 had been lying dead in the water, near the fencings and near the bamboo grove. Thus 35 have died. 108 are injured. There is some truth in the report I had submitted but the figures of death and injury were totally false as I based it on rumours. But I got it from a private source. I am giving below the list of the persons killed or injured. For this Gouranga held a meeting on Tuesday and set out to burn the police station. As more people did not turn up it was stopped. Knowing this, arriving at his house and placing the bayonet near the chest of his wife, the police officer himself said 'If you do not produce your husband within 24 hours we would cut the hair of your head, oppress you and kill you. If he does not come within 24 hours then we will kill him as soon we get him'. They came back as she pleaded to have known nothing. On Wednesday, Thursday and Friday he has only arrested a few.

On Saturday they went to Kamala's house and said " Where *sala, Bedha* Kamala who got the people killed has gone "? On this his (Kamala's) sister said, "why are you blaming him, did he himself shoot and kill the people ? Have you married his sister that you are abusing him as *sala* and *bedha* ? Did he call you here to kill" ? Hearing this they went away abusing her and saying " If you don't get Kamala within 24 hours we will shoot him dead when we get him afterwards. " Hear, there is fun. On Tuesday morning when Radhakanta Padhi heard that the tenants were killed, he quickly sent Rs. 30/- and rice worth Rs. 60/- through his son to distribute among them. It is heard that only 2/3 persons took rice worth a rupee or two at the rate of 10/15 seers per rupee. The other people rudely told him, " Your father gave ammunition to kill our brothers, uncles, nephews, maternal uncles, fathers and brothers-in-law. He has again sent rice and money to help us. If

you could bring a piece of flesh of your father and pieces of brick from your house we would have them in exchange for revenge, placing the flesh before us and looking at the brick, broken our heads, to go near our relatives. Are you not ashamed that you have come to give rice and money ?" He returned and on stating everything to the D.S.P. the letter assaulted and arrested anybody whom they met. Out of the 35 killed 7 were secretly brought and burnt. The rest 28 were buried by the *chaukidars*. The President himself also did firing. The crime was that papers were snatched away from him. At the time of firing an aged man caught hold of his feet and said 'Why are your killing ? He has been arrested. At present the strength of the force is 9 including the D.S.P. and in the *thana* 11 only. The number of deaths (as per the list received) is as follows :—

Sl. No.	Name	Age	Village	Their relatives left behind.
1.	Mani Padhan	32	Sudarsanpur	Father, mother wife, son and brother.
2.	Hari Das	36	do	
3.	Ratnakar Pani	16	do	Father, brother and uncle.
4.	Dibakar Panigrahi	18	Guda	Father, brother and uncle.
5.	Govinda Rout	56	Artuth	Wife and daughter.
6.	Krupasindhu Behera	26	Shankhare	Father, brother, and mother.
7.	Gopal Charan Das	39	Patuan	Wife and 3 daughters.
8.	Biswanath Das	40	do	do
9.	Bijuli Das	15	do	Uncle and aunt.
10.	Basudeb Sahu	25	do	Father, mother, wife and brother.
11.	Krushna Swain	45	do	Wife, 4 sons and 3 daughters.
12.	Kali Majhi	30	do	Wife and two sons.
13.	Bhua Maji	35	do	Wife and one daughter.
14.	Dhruba Charan De	42	do	Son aged 4 years.
15.	Hrushi Behera	50	do	Wife and son
16.	Ballav Behera	40	do	do-and daughter,
17.	Hara Behera	22	do	Mother and wife,
18.	Radha Mahalik	50	do	3 sons.

19.	Mani Behera	40	do	Mother, wife & son.
20.	Rama Majhi	20	do	Mother, sister and wife.

Number of injured

Sl. No.	Name	Age	Village.	Part of the body injured
1.	Ratan Biswal	32	Suan	Knee
2.	Kali Sahu	18	do	Head and leg
3.	Bhanu Mohapatra	35	Sudarsanpur	Leg
4.	Juja Behera	32	Jaganathi	Hand
5.	Kasinath Das	32	Guda	Hand
6.	Krushna Das	40	Shankhare	Thigh
7.	Kudura Prusty	—	Patuan	Arms
8.	Naba Behera	—	do	Waist
9.	Krushna Prusty	—	do	Thigh
10.	Narahari Das	—	do	—
11.	Banamali Dutta	—	do	—
13.	Madan Panda	—	do	Leg
13.	Madan Palai	—	do	Eye and head
14.	Panchanan Padhi	—	do	Hand
15.	Bholanath De	—	do	Waist
16.	Hari Charan De	—	do	Thigh
17.	Maguni Biswal	—	do	do
18.	Kali Palai	—	do	Head
19.	Padu Palai	—	do	do
20.	Kangali Biswal	—	do	Leg
21.	Hadi Majhi	—	do	do
22.	Abhi Parida	—	do	Hand
23.	Bhagaban Parida	—	do	Leg
24.	Bala Krushna Das	—	do	do
25.	Jadei Behera	—	do	Hand and leg.
26.	Natei Mandal	—	do	Hand
27.	Maga Mahalik	—	do	do
28.	Dina Sahu	—	Shankhare	Leg
29.	Tia Oha	—	do	Hand
30.	Kali Mahalik	—	Baluda	Hand
31.	Sapani Behera	—	Kumarpore	Both the thigh
32.	Gangei Behera	—	do	Hand
33.	Hadibandhu Sahu	—	do	Neck
34.	Budhi Sahu	—	do	Hand
35.	Bandhu Biswal	—	Kumarpore	Hand
36.	Gopi Panda	—	do	Leg

37.	Bhuban Naik	—	Bachada	Leg
38.	Padana Behera	—	do	Hand

It has not been possible to bring the details of others. Hope to receive early and it will be sent on receipt.

Arrests.

Sl. No.	Name.	Date of arrest.	village
1.	Banchanidhi Mohanti	19-9-42	Bainju.
2.	Mani Charan Biswal	do	Bhatpara
3.	Arjun Biswal	do	Sadei Pada
4.	Raghunath Mohapatra	26-9-42	Suan
5.	Jadu Das	do	do
6.	Dasarathi Behera	30-9-42	Sudarsanpur
7.	Sula Behera	2–8–42	Artuth.
8.	Bhaga Rout	28-9-42	do
9.	Chaturbhuja Misra	do	Patuan.
10.	Purushttam Parida	do	do
11.	Budhi Mahalik	do	Bachada.
12.	Bhagirathi Sahu	30-9-42	Brahangaon.
13.	Jadunath Panigrahi	do	Govindabindha
14.	Chintamani Naik	do	Eram
15.	Nisakar Rout	do	Patuan
16.	Anirudha Mohanti	1-10-42	Bram (Active worker)
17.	Baidyanath Mohapatra	do	Suan
18.	Sadanada Padhi	do	Eram.

On the day following the firing i.e. Tuesday, the workers met and discussed what to do next. Gokulananda Mohanti of Bharuan who had gone to North Balasore to agitate amongst the people, to create a dead-lock by stopping payment of taxes and cesses and resorting to mild type of picketing and other works, also came. He is a loud-voiced man. He was to be shown some respect. He asked Kamala as to under whose care he left them and went away. He (Kamala) explained in many ways but none paid heed to him. He was guilty of not facing the bullet and sacrificing his life. It was later decided that in batch by batch all were to be arrested in 9 batches. Kamala went to his area and told that all the superior authorities were saying that he got the people killed but he did not die himself and hence he would court arrest. The relatives of the killed said that they would not allow it. They lost their sons and fathers but he was their son and father. How would the matter run if he too went away? They have given their word to Kamala to wait for some days and to give them inspiration to launch a big attack.

Tudi Gadia :—There is no news. It is heard that the Superintendent of Police is repentant for opening fire at Tudi Gadia. It might be false too. The *chaprasi* was saying that on return from that place he was mentally unhappy, lying with fever. When any officer comes, he says he cannot see him.

Khaira :—By opening firing the police officer has killed four persons on Wednesday. For that, he boasted during his visit to Balasore.

Dhamnagar :—Late news was received that 8 were killed in the firing not 7. The date is forgotten, probably it was given in the previous letter.

Nilgiri :—

1. Ajodhya. On Friday at Ajodhya 3 were killed by machine gunning from the air on the mob. They were holding protest meetings and many people had assembled.

2. Berhampur. Hearing that 80 persons were surrounded the Political Agent reached the place and enquired from the people as to why they were creating trouble. The Raja was considering their grievances and they were asked to go away peacefully. As soon as the force was set at liberty the Political Agent ordered the firing, 3 were killed. The people fled away. Again they assembled and on surrounding the place found that the force had fled away.

3. Orpada. There is a force of 100 in this P.S. There has been no trouble.

4. Iswarpur. Attempts were made to burn the police station of this place. For want of favourable weather it could not materialise.

Balasore.

1. *Remuna.* On Sunday, Sadar-Inspector went to Gudada in Remuna P.S. with an armed force of 20. The incident was that on the 29th of the last month Ramanath Satpathy was arrested and convicted to 3 months' R.I. and fined Rs. 25/-. For the collection of the fine the local S. I. had deputed 2 constables. They got nothing and attached 2 bullocks. The villagers snatched them away. They requisitioned armed force from the S.P. to realise the fine. The S.P. replied that he would not, at present, be able to send any police help. They should anyhow realise the fine. They were quiet. On Sunday the S.P. and the Inspector had came. At Khaira he ordered to bring the two bullocks any how

instead of the fine. On their way to Gudada from Remuna when they were crossing a river, after a distance of 2 miles, conch-shells were blown and 200 people assembled. The Inspector demanded the bullocks and threatened to open fire if they were not given. The S.I. of Remuna asked him not to do it and asked for three days time to realise the fine or to seize the bullocks any-how. Had there been a delay of 2 or 3 minutes there would have been firing. Yesterday afternoon the Inspector has again gone to Khaira P.S. with an armed force of 20. I am astonished to find that these people are showing themselves to be powerful, by killing the innocent people. They are saying useless things. Really the mind gets restless. The servants or non-servants of the country that fight for the freedom do not resort to killing. They kill when crimes meriting it are committed. But we shall continue the fight. They are killing by care-free firing; we are bearing it. The people know that war means murder and injury. Murder and injury follow the war of Independence. Knowing this, the people are facing death. It pains me to see it and hear it. Such incidents are unknown in history. The doctrine of Mahatma Gandhi is so big that the general people are unable to follow it. We, the Congressmen, are inciting and on our words they are quietly facing the firing. I am writing to every worker to attack unawares. The Inspector was also saying that North Balasore did not rise. Should it rise, it would be difficult to control it. We are determined to make his conclusive trend of thought to be reduced into real truth. The mind gets upset by seeing this. The hand is trembling to write; the heart is full. The courage to stand with patience is lost. Reduced to weakness by seeing and hearing horried things I shall not have to purchase the ticket to jail for the North Balasore work. I shall have to purchase ticket for the gate of *Yama* (King of Hell). I am thinking of how to remain in *Sadar* and to bring the S.P. under watch. Information has come from Cuttack to C.I.D., S.I. that he failed to arrest "District head" Gour Das. Each day he blocked and searched the town area with full force. He is in the town. Such is the foolish staff as cannot be described. After the distribution of the leaflets in Soro and Remuna he ran there suspecting that the machine was there. I laughed a hearty laugh on hearing this. Reward of Rs. 100/- has been offered to arrest Gour Das. After that no report has been received from Balasore, Now I am replying to your letter. I shall inform you who is B.A. to B.O. Up to date the death in Balasore District as a result of firing is as follows Basudebpur 35, Khaira 5, Tudi Gadia 3, Dhamanagar 8, Ajodhya 3, Berhampur 3, *total* 56. On the 2nd Nanda Babu was brought under arrest from Soro. Information has not been received who was the other man

who was arrested with him. He has been arrested for delivering a speech in a meeting. 7 remaining copies of the appeal which he distributed to the officers were seized after the house search. In the letter sent by post on the day before yesterday, the B. O. has specially asked you to bring some money from the A. I. C. C. and to bring something by keeping in touch with Calcutta. I am shortly going to Calcutta. On receipt of the address and letter from you (introduction letter) I would come in touch with them and stretch my hands to beg. Really after a week we will have to go on fasting while working. I am informing this with a heavy heart, that nothing could be sent through M. Paid Rs. 2/- only for the journey expenses. Will find out a carrier to send *Dak* every week. Fix up a date on which he would come so that I shall get the letter from B. O. which he would take away. You please send him on the coming Saturday. He would reach here in the evening and would return on the afternoon of Sunday. I would bring and keep with me letters etc, from B. O. We observe complete hartal in Remuna. Some shops in Balasore were closed and the rest were open. There was no meeting or sitting. The B. O. has now left his previous station to a new station at a distance of 60 miles. I will send your letter to him. I have already informed you about Lunia. Although the Government Communique stated that 7 died yet it did not say that another has died also. The result of the long tour of B. O. has not been received. I have told Dukhi about you. You should be a little more careful. See that you are not caught. We have lithographed and distributed appeals up to now, to the students, to the peasants and labourers. Congratulation to the deceased of Basudebpur and to the police brothers! Bulletins asking people to withhold the payment of taxes etc. were printed and distributed. You should also send. I heard that you have a duplicator rotary machine. It is idle. Can you give it to us if it is in good condition. In the address given by me the letter should be posted. The address must be written by a *Gujrati*. You should not write it. There is a vast difference between our *Gujrati* and the merchant's *Gujrati*. They don't write so carefully as we do. You should get it written by some Gujrati or Marwari merchant. You should urgently reply about the machine and Calcutta matter. I have kept your address. More in future. With regards.

Yours B.A.
4-10-42

APPENDIX G

APPENDIX G

Translation of a letter recovered from Surendra Nath Dwivedi

4-10-42. 4 a.m.

MY DEAR BABAJI,

Yesterday I remained here at the request of Mukunda Babu. At his house, Swamiji, Jagannath Misra and myself discussed about the present firing. Nanda Babu has written a letter that the firing at ERAM was dreadful. About five thousand people were holding a meeting and the police opened fire on them killing over a hundred people.

The people were adamant and were shouting, " Kill all of us." The police had no ammunion and so sent for some, but then ammunition and reinforcement arrived later on. They then opened fire. Mukunda also states that as a college student could not be found on search his father and mother were shot dead in the village Khaipada. For those incidents Nanda Babu has written to Swamiji and to Lakshmi Narayan Sahu to hold an impartial enquiry. But Swamiji said that such an en quiry cannot be made under the D.I.R. at present.

Hence it has been decided that the Assembly members (Congress Party) will individually write to the Home Department to institute an independent enquiry to ascertain the real truth. I have also been told to do so. What to do?

Swamiji has sent some resolutions to allow the M.L A. security prisoners for joining the Assembly. But nothing seems to materialise. Khallikote has agreed to co-operate.

It has been a real need to constitute a Relief Committee to give relief to the family members of the deceased persons shot by police firing. I have requested Swamiji on this point. He has taken the responsibility. Mukunda Babu is also very active.

Let us see what happens. There will be a statement by the Government in the Assembly. For that, it has been decided on our behalf, to leave the Assembly after making individual statements.

I am going home to-day. I have not received any news. I have heard that there have been many meetings and sittings on the Gandhi-Jayanti day. One M. E. School has gone on strike. More in future.

Yours,

Sd. L. M.

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Printed at the Orissa Mission Press, Cuttack.

Errata

AT PAGES	Read	For
Pages 15 to 33	Orissa States Peoples'	Orissa-State Peoples'
15	Twenty-six	Twenty
2	Madras Presidency	Madras Presidency, Bengal
95	Fare	Are
102	Public	Publi
102	Gandhiji	gandhiji
125	Conducted	Concluded
132	Direct Action	Direct Acton

Appendix Pages 43. Read " Death " for " Date "

Add "is" after 1945 in last paragraph at pages 130.

Delete " Federated " in third paragraph at pages 146.